

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

VOLUME NINE
SECOND CONSTITUTIONAL PERIOD
1821-1828

CONCORD, N. H.
EVANS PRINTING CO.
1921

JOINT RESOLUTION RELATING TO THE PRESERVATION AND
PUBLICATION OF THE EARLY STATE AND PROVINCIAL
RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court
Convened:*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate]¹ *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*² fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

³ The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

⁴ The secretary of state, with the approval of the governor and council, may from time to time collect, arrange, transcribe and cause to be printed such portions of the early state and provincial records as he may deem expedient. He shall determine the style, form and quantity to be printed.

One copy of each publication shall be sent by the department responsible for its issue, free of charge, to each of the following officers and bodies: Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town having no free public library, the library of Congress, the state or territorial library of each state and territory in the United States. Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

³ Chapter 29, sections 27 and 28, Laws of 1917.

⁴ Chapter 164, sections 8 and 9, Laws of 1919.

STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, tables of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,
Governor.

With the advice and consent of the council.

EXECUTIVE COUNCIL CHAMBER,
CONCORD, September 9, 1919.

Voted, that the Secretary of State be authorized to publish such portion of the Provincial Laws and Records of New Hampshire as shall continue the publication of said laws from vol. 7, until the time when the regular annual publication of the Statutes commence, dividing the same into volumes of convenient size and numbered in consecutive order.

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INTRODUCTORY NOTE.

This volume is the ninth in the series of Laws of New Hampshire and is published under the same authority as the preceding volumes were issued. It brings the printed laws down to 1828, leaving only seven years more to be printed in order to connect with the time when the regular annual publication of the laws began. One more volume will encompass the remaining seven years and will be issued within the year as much of the material is already in the press.

Many interesting and important events connected with the history of the state are embraced within the eight years represented in this volume.

Merrimack County was established and constituted a political division of the state on July 1, 1823. Likewise Sullivan County was organized by an act of the legislature July 5, 1827.

The legislature which convened November 19, 1828, passed an act dividing the state into five councilor districts. This was made necessary owing to the increase in the number of counties. The constitution of 1784 provided that, annually, on the first meeting of the General Court, "two members of the Senate and three of the House of Representatives shall be chosen, by joint ballot of both houses, as a council for advising the President, (afterwards changed to Governor), in the executive part of the government." There being no geographical restrictions, all five might be taken from the same section of the state, if the General Court saw fit to do so, but the amended constitution of 1792 provided that the legislature could divide the state into five councilor districts and that the election of the councilors should be by ballot. The natural result was that one from each county was taken so long as there were only five counties, but when the number of counties was increased, it became necessary to provide for councilor districts, which was done as previously stated.

An act of the General Assembly of Vermont, relative to the navigation of the Connecticut river, was confirmed July 7, 1826. This act provided for the incorporation of the Connecticut River Company with a capital stock of one million, five hundred thousand dollars. It was granted the right to erect dams, cut canals, construct tow paths, aqueducts, culverts, waste weirs, basins and boat locks, and deepen channels, etc., in order for improving and making good the navigation from Hartford, Connecticut, toward the foot of the Fifteen-mile falls in Barnet, Vermont.

During the eight years, many institutions of learning were established, among the number being, Academic School, Conway, December 25, 1828; Adams Female Academy, Londonderry, June 18, 1823; Boscawen Academy, December 16, 1828; Brackett Academy, Greenland, December 22, 1824; Exeter Female Academy, June 27, 1826; Hillsborough Academy, June 29, 1821; Hopkinton Academy, June 26, 1827; Lee Academy, June 19, 1828; New Hampton Institution, June 27, 1821; Noyes School, Andover, July 2, 1822; Rochester Academy, June 30, 1827; Sandwich Academy, December 20, 1824; Wakefield Academy, July 6, 1827, and Woodman Sanborn-ton Academy, June 27, 1826.

An act was approved June 13, 1823, entitled "An Act to incorporate certain persons by the name of the New Hampshire Historical Society." The incorporators were Ichabod Bartlett, William Plumer, Jr., Bennet Tyler, Jeremiah Smith, Jeremiah Mason, Richard Bartlett, James Bartlett, Jacob B. Moor, Andrew Pierce, William Smith, Jr., and Nathaniel A. Haven, Jr.

An act was passed at the June session of the legislature in 1821, providing for a state tax of thirty thousand dollars. The population of the state at that time is given as 244,161, or 55 per cent. of the present population. It may be of interest to note some of the salaries that were paid to state officials one hundred years ago. It seems that the salary question was prolific of much discussion in those days as well at the present time, for a committee of the legislature was appointed in 1821 to report what compensation should be paid to various state officials, with the result that the governor's salary was fixed at \$1200 per annum, the secretary of state's at \$300, the state treasurer's at \$600, and the attorney general's at \$800. Members of the Council were paid two dollars per day during the session of the legislature, the speaker of the house received two dollars and fifty cents a day and the president of the senate the same. The legislature assembled Monday afternoon of each week during the session and adjourned Saturday afternoon, working practically five days in the week.

In June, 1825, the state was highly honored by a visit from General LaFayette, and on the twenty-second of that month he visited the legislature while it was in session. All business was suspended for the time being and Governor Morrill made a very flattering address of welcome to which General LaFayette responded as follows:

"One of my earliest enjoyments, on this happy return to the American shore, has been to meet the welcome of the people of New Hampshire, in the Atlantic town, to which I was already bound by very ancient and gratifying connexions. I have since visited an extensive part of the vast republican confederacy, where are held, to the admiration, and may it be to the speedy imitation of the world, a practical demonstration, and the wonderful result of

national independence, popular institutions, and self government. But as soon as under the impression of those lately witnessed wonders and blessings, I had performed on the great Bunker Hill celebration, a sacred and delightful duty, I have hastened to this seat of government, where I now enjoy the honor to be admitted to present both branches of the Legislature, the judiciary and executive authorities of the State, and you, Sir, their honored Chief Magistrate, with a tribute of my lively and respectful gratitude. Here, also, I am to delight in the great improvements that have taken place in the anticipation of those which are zealously contemplated.—Here I have been greeted by multitudes of friends, from this and other parts of the State; among whom I am not surprised to recognize many of my companions in arms.—When I recollect in what comparative proportion New Hampshire has personally contributed to our revolutionary struggle; I thank your Excellency for your flattering & kind remembrance of past times. None of them is more gratifying to me than your mention of names most dear to my heart. Permit me to offer to you, to the Representatives and officers of the State in every branch, and to the people of New Hampshire, the devoted tender of my grateful, affectionate & profound respect.” [House Journal, 1825, pages 358-359.]

EDWIN C. BEAN,
Secretary of State.

Concord, February, 1921.

LAWS OF NEW HAMPSHIRE.

[THIRTIETH GENERAL COURT.]

[Held at Concord, One Session, June 6, 1821, to June 30, 1821.]

[OFFICERS OF THE GOVERNMENT.]

SAMUEL BELL, GOVERNOR.

SAMUEL SPARHAWK, SECRETARY.

RICHARD BARTLETT, DEPUTY SECRETARY.

WILLIAM PICKERING, TREASURER.

JONATHAN HARVEY, PRESIDENT OF THE SENATE.

ICHABOD BARTLETT, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

John Bell, Jr.,	Chester.
Richard Odell,	Conway.
Richard H. Ayer,	Dunbarton.
Samuel Dinsmoor,	Keene.
John French,	Landaff.

[MEMBERS OF THE SENATE.]

Hunking Penballow,	Portsmouth.
Newell Healey,	Kensington.
Samuel M. Richardson,	Pelham.
Isaac Hill,	Concord.
Nehemiah Eastman,	Farmington.
Daniel Hoit,	Sandwich.
John Wallace, Jr.,	Milford.
Jonathan Harvey,	Sutton.
Jotham Lord, Jr.,	Westmoreland.
Thomas C. Drew,	Walpole.
Ziba Huntington,	Lebanon.
Arthur Livermore,	Holderness.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Allenstown,	Andrew O. Evans.
Atkinson and }	John Bassett.
Plaistow, }	John Brown.
Bow,	Andrew Dudley.
Brentwood,	Peter Eaton.
Candia,	Amos Cogswell.
Canterbury,	Samuel Aiken, Jr.
Chester,	Charles Goss.
Chichester,	Joshua Lane,
Concord,	Nathaniel Abbot.
Deerfield,	Stephen Ambrose.
Epping,	Andrew Page.
Epsom,	Joseph Edgerly.
Exeter,	Hanover Dickey.
Greenland,	John Kimball.
Hampstead,	Joseph Tilton, Jr.
Hampton,	John Avery.
Hampton Falls,	Jesse Gordon.
Hawke and }	Tristram Shaw.
Sandown, }	Jeremiah Blake.
Kensington,	Samuel Pilsbury.
Kingston,	Robert Prescott.
Londonderry,	David Bartlett.
Loudon,	William Adams.
Newcastle,	James Thom.
Newington,	Jonathan Clough.
Newmarket,	Nathan Priest.
Newton,	Paul Rollins.
North Hampton,	George Hilton.
Northfield,	Joseph Hoyt.
Northwood,	Tristram Dalton.
Pelham,	Samuel Forrest.
Pembroke,	Joseph Neally.
Pittsfield,	William Hardy.
Portsmouth,	Leonard Pratt.
	Ebenezer Knowlton.
	Ichabod Bartlett.
	John Langdon.
	Jeremiah Mason.
	Isaac Waldron, Jr.

Raymond,	Thomas Dearborn.
Rye,	Amos Seavey.
Salem,	John Clindenin.
Seabrook,	Jabez Eaton.
South Hampton and } East Kingston, }	Stevens Sanborn.
Stratham,	Daniel Veazey.
Windham,	John Nesmith.

STRAFFORD COUNTY.

Alton,	Eleazer Davis.
Barnstead,	Charles Hodgdon, Jr.
Barrington,	Samuel Hale, Jr.
Conway,	Thomas S. Abbot.
Dover,	Nathaniel W. Ela.
	Charles Woodman.
Durham,	Benjamin Mathes, Jr.
Eaton,	Colman Colby.
Farmington,	Thomas Plumer.
Gilford,	John Evans.
Gilmanton,	Pearson Cogswell.
	Jeremiah Wilson.
Lee,	Edward B. Nealley.
Madbury,	Maul Hanson.
Meredith,	Ebenezer Pitman.
Middleton and } Brookfield, }	Charles Giles.
Milton,	Daniel Hayes.
Moultonborough,	Benning M. Bean.
New Durham,	Joseph Boody.
New Hampton and } Center Harbor, }	Thomas Perkins.
Ossipee,	Ezekiel Wentworth.
Rochester,	William Barker.
	Moses Hale.
Sanbornton,	James Clark.
	Joseph Woodman.
Sandwich,	Nathaniel French.
	Johnson D. Quimby.
Somersworth,	Joseph Doe.
Strafford,	Azariah Waldron.
Tamworth,	John M. Page.
Tuftonborough,	Thomas Hoyt.
Wakefield,	William Sawyer.
Wolfeborough,	Thomas Nute.

HILLSBOROUGH COUNTY.

Anherst,	Edmund Parker.
Andover,	Robert Barber.
Antrim,	Mark Woodbury.
Bedford,	Thomas Chandler.
Boscawen,	Ezekiel Webster.
Bradford,	Samuel Jones.
Brookline,	Thomas Bennett.
Deering,	Russell Tubbs.
Dunbarton,	John Stinson.
Dunstable,	Daniel Abbot.
Fishersfield,	Timothy Morse.
Francestown,	William Bixby.
Goffstown,	John Pattee.
Greenfield,	William Whittemore.
Hancock,	Thatcher Bradford.
Henniker,	Moses Brown.
Hillsborough,	James Wilson.
Hollis,	Nathan Thayer.
Hopkinton,	Thomas W. Colby.
	Nathaniel Knowlton.
Litchfield,	Jonathan Abbot.
Lyndeborough,	Nehemiah Boutwell.
Manchester,	Isaac Huse.
Mason,	Hezekiah Richardson.
Merrimack,	Aaron Gage, Jr.
Milford,	William Crosby.
New Boston,	Joseph Cochran.
New Ipswich,	Charles Barrett.
New London,	Daniel Woodbury.
Nottingham West,	Noah Robinson.
Peterborough,	Jonathan Smith.
Salisbury,	Jabez Smith.
Sutton,	Thomas Wadleigh.
Temple,	Jesse Spofford.
Warner,	James Bean.
Weare,	Abraham Morrill.
	James Wallace.
Wilmot,	Jabez Youngman.
Wilton,	John Stevens.
Windsor and)	
Society Land, {	Nehemiah Jones.

CHESHIRE COUNTY.

Acworth,	Elisha Parks.
Alstead,	Ezra Kidder.
Charlestown,	Enos Stevens.
Chesterfield,	Levi Jackson.
Claremont,	Isaac Hubbard.
	George B. Upham.
Cornish,	Eleazer Jackson.
Croydon,	Abijah Powers.
Dublin,	Joseph Appleton.
Fitzwilliam,	Levi Chamberlin.
Grantham,	Uzziel Hayward.
Hinsdale,	Obed Slate.
Jaffrey,	Adonijah Howe.
Keene,	John Wood.
Langdon,	Samuel Egerton.
Lempster,	John Way.
Marlborough,	Joseph Frost.
Marlow,	Thomas P. Richardson.
Nelson,	Henry Melville.
Newport,	Uriah Wilcox.
Plainfield,	Merrill Colby.
Richmond,	Joseph Weeks.
Rindge,	Samuel L. Wilder.
Roxbury,	Elias Hemingway.
Springfield,	John Quimby.
Stoddard,	Danforth Taylor.
Sullivan,	Joseph Seward.
Surry and }	John Hammond.
Gilsum, }	
Swanzey,	James Underwood.
Troy,	Daniel Cutting.
Unity,	Francis Chase.
Walpole,	Daniel W. Bisco.
Washington,	Joseph Healy.
Wendell and }	John Currier.
Goshen, }	
Westmoreland,	Simeon Cobb.
Winchester,	George Ripley.

GRAFTON COUNTY.

Alexandria and }	Amos Taylor.
Danbury, }	
Bath,	Abram Thomas.

Bethlehem and }	Samuel Burnham.
Dalton, }	Humphrey Webster.
Bridgewater,	Moses W. Sleeper.
Bristol,	Moses Baker.
Campton,	John H. Harris.
Canaan,	Simon Oakes.
Concord (Lisbon),	
Dorchester and }	Nathaniel Whittier.
Orange, }	
Franconia and }	David Aldrich, 2d.
Littleton, }	Merrill W. Hoyt.
Grafton,	Thomas Page.
Groton and }	
Hebron, }	Jonathan Freeman, 2d.
Hanover,	Mills Olcott.
	Joseph Bell.
Haverhill,	Benjamin Burley.
Holderness,	Jonathan Kimball.
Landaff,	Diarca Allen.
Lebanon,	Nathaniel Rix, Jr.
Littleton,	Caleb Emery.
Lyman,	Nathaniel Lambert.
Lyme,	Daniel Favor.
New Chester,	James Dayton.
Orford,	
Peeling and }	Stephen Avery.
Ellsworth, }	
Piermont,	Richard Jenness.
Plymouth,	William Webster.
Rumney,	Jonathan Blodgett.
Thornton,	Ephraim Elliott.
Warren and }	Enos Wells.
Coventry, }	Caleb Keith.
Wentworth,	

COOS COUNTY.

Adams and }	Stephen Meserve.
Bartlett, }	
Chatham and }	David Allen.
Burton, }	
Columbia, }	
Colebrook and }	Jeremiah Eames.
Stewartstown, }	
Jefferson and }	Frederick Ingalls.
Shelburne, }	
Lancaster,	Adino N. Brackett
Northumberland,	Joshua Marshall.

[*First Session, Held at Concord, June 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 1821.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT PROVIDING FOR THE APPOINTMENT OF COLLECTORS OF TAXES
BY THE SELECTMEN OF TOWNS IN CERTAIN CASES—

[Approved June 16, 1821. Original Acts, vol. 26, p. 78; recorded Acts, vol. 22, p. 1. Session Laws, 1821, Chap. 3; Laws, 1824 ed., p. 47. Repealed by act of June 28, 1827, *post.*]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court, convened, that the inhabitants of any town may, at their annual town meetings, duly holden for the choice of town officers, by vote, authorize the Selectmen of such town to appoint a collector or collectors of taxes for such town; And the collectors so appointed by the Selectmen shall have the same powers and be subject to the same liabilities, as they would have and be liable to, had they been duly chosen by the inhabitants of such town.

Sect. 2. And be it further enacted, that in case any town shall neglect or refuse to choose a collector or collectors of taxes, or in case of a vacancy in the office of collector of taxes in any town, the Selectmen of such town may in such cases appoint a collector or collectors of taxes, who being so appointed by the Selectmen, shall not only have power to collect State and County taxes, as is now provided by Law, but also shall have the same power to collect town taxes and be subject to the same liabilities in relation thereto as they would have and be liable to, had they been duly chosen by the inhabitants of such town.

Sect. 3. And be it further enacted, that the Selectmen whenever they appoint a Collector shall take bonds to their respective towns, with sufficient sureties, for the faithful performance of his duties, And shall also, in behalf of their towns, agree with such collector on the rate or amount of compensation to which he shall be entitled for his services, which agreement shall be in writing, signed by the Selectmen and the Collector.

[CHAPTER 2.]

State of {
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED AN ACT TO INCORPORATE THE PROPRIETORS OF HART-ISLAND BRIDGE; PASSED, JUNE 23, 1818.

[Approved June 16, 1821. Original Acts, vol. 26, p. 79; recorded Acts, vol. 22, p. 3. Session Laws, 1821, Chap. 4. See act referred to, Laws of New Hampshire, vol. 8, p. 692. See also acts of July 7, 1826, *post*; July 1, 1837, Session Laws, 1837, Private Acts, Chap. 32; June 30, 1841, *id.*, 1841, Private Acts, Chap. 12 and July 3, 1861, *id.*, 1861-66, Chap. 2563.]

Be it enacted, by the Senate and House of Representatives, in General Court convened; That a further time of four years be allowed to the proprietors of Hart-Island Bridge to build and complete the same, in addition to the time allowed for that purpose in and by the act aforesaid.

And be it further enacted, That instead of the rates of Toll specified in the sixth section of the act to which this is in addition, there be granted and established for the benefit of said proprietors the rates of Toll following, that is to say:

For every foot passenger, two cents; for each horse and rider, six cents; for each additional rider, two cents; for each horse or jack led or driven, four cents; for each chaise, chair, sulkey, or other carriage of pleasure, drawn by one horse, twelve and a half cents, and for each additional horse, four cents; for each chariot, phaeton, coach, or other four-wheeled carriage of pleasure, drawn by two horses, twenty cents, and for each additional horse five cents; for each cart, waggon, or other carriage of burden drawn by one beast, eight cents, and for each additional beast four cents; for each pleasure sleigh drawn by one horse, ten cents; if drawn by two horses, twelve and a half cents; and for each additional horse four cents; for each sled or sleigh of burden, drawn by one beast, eight cents; if drawn by two beasts, ten cents; and for each additional beast, three cents; for neat cattle and mules, two cents each; and for sheep and swine, one half cent each.

[CHAPTER 3.]

State of)
New Hampshire.)

AN ACT, TO INCORPORATE SUNDRY PERSONS BY THE NAME OF "THE PROPRIETORS OF NEW CASTLE BRIDGE".—

[Approved June 19, 1821. Original Acts, vol. 26, p. 80; recorded Acts, vol. 22, p. 5. Session Laws, 1821, Chap. 5. See acts of February 26, 1778, Laws of New Hampshire, vol. 4, p. 143; January 12, 1790, id., vol. 5, p. 477; June 14, 1800, id., vol. 6, p. 637 and July 3, 1822, *post.*]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court, convened, that Andrew W. Bell, Reuben Shapley, Nathan Priest and Ephraim Amazeen, and their associates and who may hereafter become associates, in the said Bridge, their successors and assigns so long as they shall continue proprietors thereof, shall be and are hereby created and made a corporation, by the name of, "The proprietors of New Castle Bridge, and by that name shall be, and are hereby made capable in Law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record or any other place, whatever, And also to make, have and use a Common Seal, and the same again at pleasure to break alter and renew, and also to ordain, establish and put in execution such By-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs;—Provided, such By-laws, ordinances and regulations shall in no wise be contrary to the Laws and Constitution of this State; And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Sect. 2. Be it further enacted, that the said corporation may erect and maintain a Bridge from the Northwest end of the Island of New Castle to the town of Portsmouth across the waters and connected with any of the Islands lying on the Southerly side of the Channel of Piscataqua river, and lay out and make a road of convenient width and in the most convenient place for public accomodation, from the public road in New Castle to Clark's neck. so called, across any of the said Islands, to some one of the public roads in Portsmouth, And may purchase and hold in fee simple, or otherwise, so much land as will be necessary for said road: And if said corporation and the owner or owners of the land, which may be taken for said road, shall not agree on the amount of damages to be paid for the same, the Justices of the Court of Sessions, for the County of Rockingham, or any three of them are hereby authorized and empowered after due notice being given to all concerned (in the manner said Justices may order) of the time and place of hear-

ing, to proceed, after hearing said parties, or if either shall neglect to attend, then after a hearing ex-parte, to appraise said damages with cost; And said corporation shall pay or tender such damages and cost to the owner or owners, to whom the same shall be awarded,—And in case of refusal to receive the same such sum shall be paid into the Court of Sessions, and placed in the hands of such persons, as the said Court shall designate, for the use of such owner or owners. This being done, it shall be lawful for said Corporation to lay out and make the said roads in the same manner they could or might have done, had the consent of the owner or owners of the land been first obtained.

Sect. 3. Be it further enacted, that Andrew W. Bell Reuben Shapley, Nathan Priest and Ephraim Amazeen, or any two of them may call a meeting of said corporation by advertisement in the New Hampshire Gazette, to be holden at any suitable time and place after seven days from the first publication of said Advertisement; And the proprietors by a vote of a majority of those present shall choose a Clerk, and at the same or any subsequent meeting may elect such other officers and establish such By-laws, rules and regulations, as may be required for the well ordering the affairs of said corporation; and may conformably to the same make such assessments as may be found necessary for accomplishing the object of this Act, and the same may collect by sale of the shares of delinquent proprietors.—And at the meetings of said corporation all questions shall be determined by a majority of the votes of the proprietors present or represented allowing one vote for each share, and absent members to vote by proxy being authorized in writing.

Sect. 4. And be it further enacted, that the said corporation may demand, receive and recover the following toll of every person traveling on said Bridge, and prevent the passage of any person until the same shall have been paid; that is to say,—for every foot passenger, three cents; for each person and horse, six cents; for every chaise, sulkey, chair or other two wheeled carriage of pleasure drawn by one horse, twelve and an half cents; and for each additional horse, four cents; for every chariot phaeton, coach or other four wheeled pleasure carriage, drawn by two horses, twenty five cents; And for each additional horse four cents; for each cart, waggon, or other carriage of burden drawn by one beast, ten cents; And for each additional beast, three cents; for each pleasure sleigh, drawn by one horse, eight cents; and for each additional horse, four cents; for every sleigh or sled of burden, drawn by one beast, six cents; and for each additional beast, three cents; for horses, Jacks, mules or neat cattle, exclusive of those rode on, or in carriages, two cents each; for sheep and swine, half a cent each; and for each team one person only shall be allowed to pass free of toll: And at all times, when the toll-gatherer does not attend his duty, the gate shall be left open.

Sect. 5. Be it further enacted that said Corporation shall be answerable for all damages, which may be sustained through insufficiency or want of repairs in said Bridge, or said road so to be laid out, and may also be indicted and fined as Towns are by Law, for suffering highways and bridges to be out of repair.

Sect. 6. Be it further enacted, that a draw or hoist in said bridge, shall be constructed, over the channel of what is called the Pool of sufficient width for vessels to pass and repass freely; And the said proprietors shall cause the same to be hoisted or opened without delay for the accomodation of all such vessels as may have occasion to pass through the same, and for which the hoisting or opening said Draw may be necessary.

Sect. 7. And be it further enacted, that if said Bridge shall not be Completed within five years from the passing of this act; or if destroyed at any time, and shall not within three years after such destruction, be rebuilt, then this act shall become null and void.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT, FURTHER TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE JOHN WHEELER AND OTHERS BY THE NAME OF THE DOVER COTTON FACTORY.

[Approved June 21, 1821. Original Acts, vol. 26, p. 81; recorded Acts, vol. 22, p. 9. See act referred to dated December 15, 1812, Laws of New Hampshire, vol. 8, p. 168. See additional acts of June 21 and December 22, 1820, *id.*, pp. 901, 994. Name changed to Dover Manufacturing Company by act of July 18, 1823, *post*. See also act of June 20, 1826, *post*.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court convened, that the corporation created and now existing under and by virtue of the act aforesaid, be and the same is hereby empowered to carry on the manufacture of cotton and woolen goods, and such other branches of trade and manufacture as shall be necessarily or conveniently connected therewith at said Dover, and may erect such mills, dams, works, machines and buildings as may be necessary for carrying on these useful manufactures and branches of business

Sec. 2. And be it further enacted, that the said corporation be, and the same hereby is authorized to acquire by purchase or otherwise and to hold and enjoy such real and personal estate as may be necessary and useful in conducting the business of said Factory, upon its present or a more enlarged plan, and the same to sell, convey and dispose of at pleasure, provided the estate held by the said corporation shall not at any time exceed Five hundred thousand

dollars, and the said capital or joint stock may be divided into as many shares as the proprietors, at a legal meeting, shall agree and decide, and in like manner the said proprietors may agree on the manner of transferring them, and may elect an agent or agents and such other officers and servants as may be deemed necessary, and prescribe their respective duties, may order assessments, and fix the time of their payment, may pass by laws for their regulation and government, and may do and transact any other business in relation to the concerns, and for the benefit of said corporation; all elections and all other questions if required shall be determined by a majority of votes present or represented at any meeting accounting and allowing one vote to each share in all cases, and all representations shall be in writing signed by the person represented and filed with the Clerk.

Sec. 3. And be it further enacted, that the shares in said corporation shall be liable and holden for all assessments legally made thereon, and upon the non-payment of such assessments or any part thereof, for the space of thirty days after the same shall have become due and payable, the Treasurer may proceed in the manner prescribed in the by laws of said corporation to advertise and sell at Public Auction such delinquent shares or so many of them as may become necessary to pay the sums due thereon with incidental charges.

Sec. 4. And be it further enacted, that all the parts and provisions of the act aforesaid, except what are contained in the seven first sections thereof; and also so much of the said seven first sections as is inconsistent with this Act be and the same hereby are repealed.

[CHAPTER 5.]

State of }
New Hampshire. {

AN ACT, TO INCORPORATE "SAINT ANDREW'S CHAPTER OF ROYAL ARCH MASONS AT HANOVER.

[Approved June 21, 1821. Original Acts, vol. 26, p. 82; recorded Acts, vol. 22, p. 11.]

Sec. 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that Timothy Kenrick, Alpheus Baker, Salmon Washburn, James F. Dana Henry Hutchinson, Eliezer D. Curtis, Joseph A. Curtis, James Pool, Ephraim H. Hall, and their associates and successors, shall be and hereby are erected and made a corporation, and body politick, by the name of "Saint Andrew's Chapter of Royal Arch Masons at Hanover," and by that

name may sue, and be sued, plead and be impleaded, defend and be defended, to final judgment and execution, and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers incident to corporations of a similar nature; and may have, hold and enjoy real and personal estate not exceeding in amount the sum of three thousand dollars.

Sec. 2. And be it further enacted, that James F. Dana, Timothy Kenrick, and Ephraim H. Hall, or any two of them, may call a meeting of said corporation to be holden at Hanover, in the county of Grafton, at such time as they shall think expedient, by an advertisement in the New Hampshire Patriot and State Gazette, or Dartmouth Herald, made two weeks previous to the time of holding said meeting, at which meeting, the members of said corporation, by a vote of a majority of those present, shall choose such officers and enact such by-laws, as they may think proper, for the regulation and government of said corporation. Provided, said by laws are not repugnant to the constitution and laws of this State.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT, VESTING IN THE SUPERIOR COURT OF JUDICATURE, CHANCERY POWERS AND JURISDICTION IN CASES OF REAL AND PERSONAL ESTATE, GIVEN TO CHARITABLE USES.

[Approved June 21, 1821. Original Acts, vol. 26, p. 83; recorded Acts, vol. 22, p. 13. Session Laws, 1821, Chap. 6. Laws, 1824 ed., p. 183. See acts of January 2, 1829, *post*; December 29, 1832, Session Laws, 1832, Chap. 89 and July 4, 1834, *id.*, 1834, Chap. 182.]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that the Superior Court of Judicature shall have Chancery powers and jurisdiction in cases of gifts, grants, devises, donations, and appointments of any lands, tenements, rents, hereditaments, corporeal or incorporeal, goods, chattels, money, securities for money, or other personal estate whatever, which heretofore have been, or hereafter may be given, granted, made or appointed to or for any charitable uses.—And for the remedy of abuses and breaches of trust in the cases aforesaid, and for carrying into effect the intentions of the grantors and donors, the said Court shall make such orders, decrees and judgments, that the said lands, tenements, rents, hereditaments, goods, chattels, money, securities for money, and other personal estate may be duly and faithfully employed for the charitable uses to which they were or may be given, granted or appointed, according to the true intent and meaning of the grantors or donors thereof.

Sec. 2. And be it further enacted, that the powers and jurisdiction, hereby vested in the Superior Court of Judicature, shall be exercised according to the established principles of Chancery, so far as shall be consistent with the laws and Constitution of this State; And that the proceedings to be had in said Court, in pursuance of this Act, shall be in conformity with the usual practice of Courts of Chancery in like Cases.

Sec. 3. And be it further enacted, that in suits under this act, reasonable costs be allowed to the prevailing party, at the discretion of the Court; And that where informations shall be filed by the Attorney General, at the relation of individuals, they shall give security for the payment of costs, in such manner, as the Court may direct.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE ST. JOHN'S LODGE, NO. 1 AT PORTSMOUTH, NEW HAMPSHIRE.

[Approved June 22, 1821. Original Acts, vol. 26, p. 84; recorded Acts, vol. 22, p. 15.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court, convened, that Samuel Larkin, James Ladd, Samuel Cushman, and all persons who may hereafter become members of said Lodge be, and they hereby are incorporated and made a body corporate and politic forever, by the name of St. John's Lodge No. 1. at Portsmouth New Hampshire.—And the said body corporate is hereby empowered to hold and possess real and personal estate, not exceeding in value, the sum of three thousand dollars, and is vested with all the powers, rights and privileges, incident to corporations of a similar nature.

Sec. 2. And be it further enacted, that Samuel Larkin, or either of the persons named in this Act, may call the first meeting of said Lodge by giving seven days notice in any newspaper printed in the town of Portsmouth, of the time and place of such meeting; at which meeting, or any subsequent meeting, the members of said Lodge may choose a Secretary, and elect such other officers, and establish such by laws, rules and regulations as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects of the same; provided said by laws, rules and regulations be not repugnant to the constitution and laws of this State.

[CHAPTER 8.]

State of {
New Hampshire. }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
NEW DURHAM AND ALTON HARMONY SOCIETY FOR THE PROMO-
TION OF SACRED MUSIC.

[Approved June 22, 1821. Original Acts, vol. 26, p. 85; recorded Acts, vol. 22, p. 16.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court convened, that Ephraim Chamberlin, John Chamberlin Jun^r, Benjamin W. Pinkham, Ebenezer Chamberlin, Isaac Davis, Jacob Davis, John Davis, James Downs and such as may hereafter become members of said society, be, and they hereby are made a corporation by the name of the New Durham and Alton Harmony Society, and by that name may sue and be sued, defend and be defended, and be known and distinguished in their acts and proceedings in all cases whatever; and shall be and are hereby vested with all such powers and privileges as are usually enjoyed by corporations of a like nature.

Section 2. And be it further enacted, that the three first named persons, or either two of them, may call the first meeting of said society at any suitable time and place in either of the said towns of New-Durham or Alton, by posting up a notification for that purpose at one or more public places in each of said towns, at least fifteen days prior to said meeting; at which meeting the members thereof shall choose a Clerk, and such other officers as they may think proper, and shall agree on a method of calling future meetings and the time of their annual meeting; and at the same or any subsequent annual meeting may establish rules and by laws for their regulation and government; Provided such rules and by laws are not contrary to the constitution and laws of this State, and may order such assessments as they may think proper.

Section 3. And be it further enacted, that said society may receive, hold and enjoy, by gift, grant or otherwise personal estate to any amount not exceeding five hundred dollars, and the same may sell and dispose of at pleasure for the use and benefit of said association.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PHYSICIANS & SURGEONS, BY THE
NAME OF THE WHITE MOUNTAINS MEDICAL SOCIETY.

[Approved June 23, 1821. Original Acts, vol. 26, p. 86; recorded Acts, vol. 22, p. 18.]

Section 1. Be it enacted, by the Senate & House of Representatives in General Court convened, That Eliphalet Lyman, John Dewey, Daniel Egery, Benjamin Hunking, Lyman Lombard, William Burns, John Willard, Andrew Spaulding, Thomas M^cDole, John M^cNabb 2^d, Calvin Jewett, & their associates & successors, be, & they are hereby made & constituted a body politic & corporate, by the name of the White Mountains Medical Society, & by that name be & continue a body politic & corporate forever, & shall possess & enjoy all the rights, privileges & immunities of a corporation for the promotion & advancement of Medical knowledge; and the said Society shall have power to make all necessary bye laws, rules & regulations for their government, & the furtherance of the objects of their incorporation, not repugnant to the laws of this State, or the United States.

Section 2. And be it further enacted, That the members of said Society, at their annual & other meetings, duly notified & warned for the purpose, may elect a President, directors, Secretary & Treasurer, & such other officers as they may judge necessary; may have & use a common seal, & the same may alter or change at pleasure; may have power to sue & be sued, prosecute & defend in all actions, whether personal, real or mixed, in any Court proper to try the same; may direct the manner in which members may be admitted into their association; and may expel any member, on the concurrent vote of two thirds of the members present, & voting on the question.

Section 3. And be it further enacted, That the said Society shall forever have power, & be capable in law of taking & holding any estate real or personal, by gift, grant, devise, or otherwise & manage, improve, or convey the same by themselves, their agent or agents, provided the same so held, does not exceed in the whole five thousand dollars. And the said Society shall have power to impose such fines & forfeitures, for a breach of their bye laws, & for other offences as they shall from time to time deem proper, provided the fine for any one breach or offence, shall in no case exceed twenty dollars. And it shall be the duty of said Society, faithfully to employ their funds in promoting the objects contemplated by their association.

Section 4. And be it further enacted, That it shall be the duty of each member of said Society, at their regular meetings to communicate to his associates, all such useful information as shall be in his possession, the history of important cases which may occur in the course of his practice, or come to his knowledge; and in fine to do all in his power to render the profession more enlightened, useful, & respectable, & to give gratuitous advice to all diseased persons, who may apply for the same at said meeting.

Section 5. And be it further enacted, That if this act or any of its provisions, should be found inadequate to effect the purposes intended thereby, it may, by the General Court, be altered, amended or repealed.

Section 6. And be it further enacted, That the three persons first named in this act, or any two of them, are hereby authorized to call the first meeting of said Society under this act, at such time & place as they may deem expedient, by giving notice thereof in the New Hampshire Patriot & State Gazette, three weeks at least before the day appointed for said meeting, or by giving fourteen days personal notice to each member stating the time, place & object of said meeting.

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH THE COMPENSATION OF COMMITTEES APPOINTED BY THE COURTS OF SESSIONS TO EXAMINE ROUTES AND LAY OUT HIGHWAYS.

[Approved June 26, 1821. Original Acts, vol. 26, p. 87; recorded Acts, vol. 22, p. 21. Session Laws, 1821, Chap. 13. Laws, 1824 ed., p. 185. Repealed by acts of January 3, 1829, *post*, and July 3, 1829, Session Laws, 1829, Chap. 52.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that from and after the passing of this act, all committees, which may be appointed by the several courts of sessions to examine and lay out highways, shall consist of three members and no more; who shall each be allowed two dollars for each day actually and necessarily spent in such service, which shall be in full compensation for such services.

[CHAPTER 11.]

State of {
New Hampshire. }

AN ACT TO PREVENT FRAUDS IN THE MANAGEMENT OF THE BUSINESS OF BANKS AND OF PUBLIC OFFICERS.

[Approved June 27, 1821. Missing from original Acts; recorded Acts, vol. 22, p. 22. Session Laws, 1821, Chap. 18. Laws, 1824 ed., p. 109; id., 1830 ed., p. 132. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that if any President, Director, Cashier or other officer or servant of any Bank in this State incorporated by the authority thereof, shall fraudulently convert to his own use any money, bill, note, security for money, evidence of debt or other effects whatever belonging to such Bank, such person shall upon due conviction be punished by fine not exceeding two thousand dollars and by imprisonment not exceeding two years.

Sec. 2. Be it further enacted that if any Cashier, or other officer, or servant of any Bank in this State incorporated by the authority thereof, being entrusted with or having the custody of any money, bill, note, security for money, evidence of debt or other effects whatever belonging to such Bank shall contrary to his duty and in breach of his trust, knowingly and voluntarily pay or deliver to any person or persons whomsoever, or to his or their order any such money, bill, note, security for money, evidence of debt, or other effects knowing that such person or persons are not entitled to demand or receive the same, such Cashier, officer or servant of such Bank shall upon due conviction be punished by fine not exceeding two thousand dollars and by imprisonment not exceeding two years.

Sec 3. Be it further enacted that if any public officer being a receiver of public monies under any law of this State, shall fraudulently convert to his own use or shall contrary to his duty and in breach of his trust, knowingly pay or deliver to any person or persons whomsoever, or to his or their order, any such public money, knowing that such person or persons are not entitled to demand or receive the same, such officer shall upon due conviction be punished by fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE "HUMANE LODGE NO. 21."

[Approved June 27, 1821. Original Acts, vol. 26, p. 88; recorded Acts, vol. 22, p. 24.]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that Levi Jones, William Jones, Charles Dennet, Nathaniel Lord, Hanson Hayes, Giles W. Burrows, John Chapman, John Roberts Jun^r, Stephen Drew, Joseph Cross, Ira Fish, Harvey Morey and their associates and successors, shall be and hereby are erected and, made a corporation and body politic by the name of "Humane Lodge No. 21", and by that name may sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution, and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers incident to corporations of a similar nature, and may have, hold and enjoy real and personal estate, not exceeding in amount two thousand dollars.

Section 2. And be it further enacted, that Levi Jones, William Jones, and Charles Dennet, or either two of them, may call a meeting of said corporation, to be holden at Rochester in the County of Strafford, at such time as they shall think expedient, by advertising in the Strafford Register, printed at Dover, fifteen days previous to meeting, at which meeting, the members of said corporation, by a vote of the majority of those present, shall choose such officers and enact such by-laws, as they may think proper, for the regulation and government of said corporation; Provided, said by laws are not repugnant to the constitution and laws of this State.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE FAITHFUL LODGE N^o 12.

[Approved June 27, 1821. Original Acts, vol. 26, p. 89; recorded Acts, vol. 22, p. 26.]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court, convened, that David Parker, Jesse Healy, Frederic A Sumner, Henry Hubbard, Luther Hammond, and their associates and successors, shall be and hereby are erected and

made a corporation and body politick, by the name of "Faithful Lodge No. 12, and by that name, may sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution, and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers incident to corporations of a similar nature, and may have hold and enjoy real and personal estate not exceeding in amount the sum of one thousand dollars.

Sec. 2 And be it further enacted, that David Parker, Frederic A. Sumner and Henry Hubbard, or any two of them may call a meeting of said corporation to be holden at Charlestown in the County of Cheshire, at such time, as they shall think expedient by advertisement in the New Hampshire Sentinel printed at Keene fifteen days previous to the time of meeting, at which meeting the members of said corporation, by a vote of the majority of those present, shall choose such officers, and enact such *byelaws*, as they may think proper, for the regulation and government of said corporation,—Provided said by laws are not repugnant to the constitution and laws of this State.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF NEW-HAMPTON ACADEMY.

[Approved June 27, 1821. Original Acts, vol. 26, p. 90; recorded Acts, vol. 22, p. 27. See additional acts of June 29, 1826, and January 3, 1829, *post*.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court convened, That William B. Kelley, Nathaniel Norris, Joshua B. Drake, John Webster, John S. Harper, Jeremiah Ward, Samuel Kelley, Peter Hannaford, Isaiah Dotan, James How, David B. Mason, Joseph Cumings, Michael B. Kelley, Samuel Kelley, Washington Mooney, Nathaniel Drake, 3d, Abraham Harper, John M. Kelley, Joshua Woodman, and such as may hereafter become associates with them, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of New-Hampton Academy; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and be known and distinguished in their acts and proceedings, and in all cases whatever; and shall be, and hereby are vested with all the powers and privileges incident to corporations of a like nature.

Sec. 2. And be it further enacted, That said Corporation is hereby made capable in law to have, receive and hold in fee simple, or any less estate, by gift, grant, or otherwise, any real estate, the annual income of which shall not exceed five hundred dollars, and personal estate not exceeding ten thousand dollars; and the same may use and employ for the promotion of science and the useful arts, and for the benefit of said Corporation may sell and dispose of the same at pleasure.

Sec. 3. And be it further enacted, That said Academy be located and established in the town of New-Hampton at the place where the building now intended for that purpose is erected: Provided however, that whenever it shall become necessary to erect a new building to be used by said Academy, in lieu of the one now intended to be used, it may be located at any such convenient place in said town, as the proprietors may at any legal meeting notified for that purpose determine.

Sec. 4. And be it further enacted, That the three persons first above named, or any two of them, may call the first meeting of said proprietors, at some convenient time and place, by posting a notification for that purpose at the Academy, at least fifteen days prior to the day of holding said meeting: at which, or at any subsequent meeting duly notified, the proprietors may make and establish such rules and regulations as they may deem proper for the government of said Corporation; may fix the time of their annual meeting, and agree on the manner of calling the annual and other meetings; may elect such officers or agents as may be considered necessary; may by assessment "upon their polls and rateable estate" raise such sum or sums of money as the exigencies of the Corporation may seem to require; and do and transact any business in relation to the beneficial designs contemplated by the establishment of this Seminary.

Sec. 5. And be it further enacted, That the Academy shall be under the care, superintendence and control of a board of Trustees, consisting of three persons, who may, in case the proprietors deem it expedient, be appointed annually, and continue in office until others are appointed. And until such appointment shall have been made, the three persons first above named, towit, William B. Kelley, Nathaniel Norris and Joshua B. Drake shall constitute said board.

Provided however, that the proprietors may at any annual meeting increase the number of trustees to *five*, making the principal instructor, *ex officio*, one of said board; a majority of whom shall constitute a quorum for the transaction of business.

The Trustees shall have power to appoint and dismiss instructors; prescribe their duties; establish orders and regulations for the government of the students; direct the management and application of the funds, and generally direct and control all the concerns of the

Institution, subject however to the votes and orders of the proprietors.

Sec. 6. And be it further enacted, That the property belonging to said Corporation, not exceeding ten thousand dollars in value shall be exempt from taxation: Provided however, that the Legislature may at any time hereafter make any alteration in respect to the taxation of the corporate property, and may also make such alterations and amendments in any of the provisions of this act as may be deemed necessary or expedient.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT, FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE.

[Approved June 27, 1821. Original Acts, vol. 26, p. 91; recorded Acts, vol. 22, p. 30. Session Laws, 1821, Chap. 19.]

Sec. 1 Be it enacted, by the Senate and House of Representatives, in General Court convened, that there shall be raised for the use of this State the sum of thirty thousand dollars, which sum shall be assessed, collected and paid into the Treasury on or before the first day of December in the year of our Lord one thousand eight hundred and twenty two; and the Treasurer be, and hereby, is directed seasonably to issue his warrants to the selectmen or assessors of the several towns, parishes, and districts within this State according to the last proportion act; and the selectmen and assessors of the several towns, parishes and districts aforesaid are hereby respectively required to assess the sums specified in the Treasurer's warrants, and cause the same to be paid into the Treasury of this State, on, or before the first day of December in the year of our Lord one thousand eight hundred and twenty two; And the Treasurer may issue extents for all taxes that may then remain unpaid.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE SUPERIOR COURT OF JUDICATURE TO CAUSE HIGHWAYS TO BE ESTABLISHED IN CERTAIN CASES.

[Approved June 27, 1821. Original Acts, vol. 26, p. 92; recorded Acts, vol. 22, p. 32. Session Laws, 1821, Chap. 20. Laws, 1824 ed., p. 184. See acts of December 2, 1812, Laws of New Hampshire, vol. 8, p. 147, and June 24, 1814, id., p. 358. Repealed by acts of January 3, 1829, *post*, and July 3, 1829, Session Laws, 1829, Chap. 52.]

Be it enacted, by the Senate and House of Representatives in General Court convened that whenever any public highway shall be thought necessary to be laid out over land in two or more counties in this State application may be immediately made by petition to the Superior Court of Judicature setting in either of such counties; which Court shall have all the power and authority to cause such road or public highway to be surveyed, laid out and established, and to cause compensation to be made to the owners of land over which the same may pass, and costs to be taxed that by law pertains to the Courts of sessions to establish highways in any particular County.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR ARRANGING, FORMING AND REGULATING THE MILITIA" PASSED DECEMBER 1820.

[Approved June 27, 1821. Original Acts, vol. 26, p. 93; recorded Acts, vol. 22, p. 33. Session Laws, 1821, Chap. 21. Laws, 1824 ed., p. 84. See act referred to, Laws of New Hampshire, vol. 8, p. 955. See additional acts of June 29, 1821, July 2, 1822, July 3, 1822, and June 12, 1824, *post*. Repealed by act of January 2, 1829, *post*.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that where any Company of Cavalry, Artillery, Riflemen, Grenadiers, Light Infantry, or Infantry now are, or hereafter may be without any non-commissioned officers to notify and warn the men belonging to said Company, the Captain or commanding officer of said Company shall have power to order any of the private soldiers enrolled in said Company to notify and warn the men belonging to said Company to meet for any inspection, training or muster; which notice or warning shall be

given in the same manner as is provided in the act to which this is in addition. And if any such private soldier, being so ordered shall refuse or neglect to notify and warn all such men, he shall forfeit and pay the sum of two Dollars for every man he shall so neglect to warn, to be recovered by the captain or commanding officer of such company in an action of debt before any magistrate or Court of competent jurisdiction to be appropriated for the repairs of musical instruments. And the men so warned or notified shall be liable to the same fines for neglect, as they would be if notified and warned by a non commissioned officer, as provided by the act, to which this is in addition.

Sec. 2 And be it further enacted, that the Quarter Master returns required by the twenty third section of the act to which this is in addition shall be made within the times following—The captains or commanding officers of companies shall make their returns to the Regimental Quarter Masters within ten days from the annual training and inspection in May in each year; and the Regimental Quarter Masters shall make their returns to the Quarter Master General or to the officer doing the duties of Quarter Master General, within twenty five days from said annual training, any thing in said act to the contrary notwithstanding; and if any officer, whose duty it shall be to make any of said returns, shall neglect so to do for a longer time than is above specified he shall forfeit and pay the sum of twenty dollars to be recovered by the Adjutant and Inspector General in an action of debt in his own name, to be appropriated for defraying any expenses attending the Militia.

[CHAPTER 18.]

State of }
New Hampshire. {

AN ACT, IN ADDITION TO AN ACT ENTITLED AN ACT, TO INSTITUTE AND PROVIDE FOR THE ORGANIZATION OF A BOARD OF AGRICULTURE FOR THIS STATE.

[Approved June 27, 1821. Original Acts, vol. 26, p. 94; recorded Acts, vol. 22, p. 35. Session Laws, 1821, Chap. 22. Laws, 1824 ed., p. 102. The act referred to is probably dated December 10, 1820, Laws of New Hampshire, vol. 8, p. 940. Repealed by act of December 21, 1824, *post.*]

Section 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that the annual meeting of the board of Agriculture for this State, shall hereafter be holden on the second Wednesday of June, instead of the first Monday after the annual meeting of the Legislature.

Sec. 2. And be it further enacted, that the Board of Agriculture for this State, shall, from and after the first Monday following the

annual meeting of the Legislature in June next, consist of one delegate to be chosen by ballot by each of the County agricultural Societies within this State, instead of the several Presidents of the several agricultural societies, with one delegate to be chosen by each of said Societies, as is provided in and by said Act, to which this in addition.

Sec 3. And be it further enacted, that it shall be the duty of the Secretary of each County Agricultural Society within this State, to transmit to the Secretary of said Board of Agriculture annually, on or before the annual meeting of said Board, copies of all communications to such society on the management and culture of crops, on which premiums have been awarded.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT, GRANTING TO DAVID LEWIS AND OTHERS THE RIGHT TO FLOW AND DRAIN PLEASANT POND.

[Approved June 27, 1821. Original Acts, vol. 26, p. 95; recorded Acts, vol. 22, p. 37.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that David Lewis, Jabez Fairbanks, Phineas Butterfield and John Sleeper, and their heirs and assigns forever, being owners of grist mills standing in Francestown, upon the waters which issue from Pleasant pond, so called, situated in said town, and of a saw-mill standing on said waters between said pond and Mountain Brook, so called, or being owners of said grist-mills only, shall have, and there is hereby granted to them a right to dig and deepen the bed or bottom of the stream running out of said pond, for the purpose of draining the same as low as they may think proper, for the use of said mills; and to build a dam, and put down a floom and gate at the outlet of said pond, and repair and rebuild the same, whenever they shall deem it necessary, so as to raise the water therein as high as may be done without injuring, except in case of great or sudden freshets, the meadow and the produce thereof, bordering on said pond, and now owned by Nathan Sleeper and David Sleeper. And in case a great or sudden freshet shall cause said meadow to be flowed to the injury of said meadow, or the produce thereof, the owner or owners thereof, or any one of them, may notify the proprietors of the right herein granted, or any one of them, or any person tending either of said mills by them or either of them owned, of the injury aforesaid. And it shall become the duty of the person or persons, thus notified,

to hoist, or cause to be hoisted the gate put down as aforesaid, and suffer the same to remain hoisted until the water shall be drawn from said meadow. And in case the person or persons, notified as aforesaid, shall unreasonably refuse or neglect to hoist said gate, or cause it to be hoisted, or in case he or they or any one of said proprietors shall shut said gate, or cause it to be shut before the water shall be drawn from said meadow, then the person or persons notifying as aforesaid may apply to the Selectmen of Francestown, for the time being, and said Selectmen, or a major part of them, shall have power to hoist said gate and keep it up until the water shall be drawn from said meadow. And if in their opinion, the person or persons notified as aforesaid have unreasonably refused or neglected to hoist said gate, or cause it to be hoisted, or he or they or any one of said proprietors have shut the same, or caused it to be shut before the water was drawn from said meadow, then said Selectmen, or a major part of them, shall appraise the damage occasioned by such refusal or neglect, or shutting of said gate, and shall, on request, give to each party interested a certificate under their hands of such opinion, and of their appraisal of the damages occasioned as aforesaid.—And the said proprietors, their heirs and assigns, shall be jointly and severally liable to pay to any person injured by such refusal, or neglect, or shutting of said gate, the sum at which his damages shall be appraised as aforesaid, together with a penalty of ten dollars to be recovered with costs in an action of debt before any justice of the peace, or in any Court proper to try the same. And upon the trial of such action, the said certificate of the Selectmen shall be competent and conclusive evidence, as well that the damages therein appraised, were sustained as of their amount.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT, FOR THE PRESERVATION OF FISH, IN HART'S POND IN THE TOWN OF CANAAN.

[Approved June 27, 1821. Original Acts, vol. 26, p. 96; recorded Acts, vol. 22, p. 40. Session Laws, 1821, Chap. 23. Laws, 1824 ed., p. 124; id., 1830 ed., p. 258. Repealed by act of June 28, 1831, Session Laws, 1831, Chap. 27.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that from and after the passing of this act for the term of five years, if any person or persons shall use any spear for the purpose of catching or destroying any of the fish in Hart's pond in Canaan in the County of Grafton, or shall between

the first day of November and the first day of May, catch any of said fish through the ice, or otherwise, in said pond, such person or persons, so offending, shall for every fish so caught forfeit and pay the sum of two dollars, to be recovered in an action of debt by any person who shall sue for the same, before any Justice of the peace within the County of Grafton; one half of said sum to be appropriated to the use of the person who shall sue for the same, and the other half for the use of said County of Grafton.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE
SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS
AND COMPANY OF THE NEW HAMPSHIRE UNION BANK, APPROVED
JUNE 18, 1802.

[Approved June 28, 1821. Original Acts, vol. 26, p. 97; recorded Acts, vol. 22, p. 41. Session Laws, 1821, Appendix, p. 19. See act referred to, Laws of New Hampshire, vol. 7, p. 102. See also act of December 22, 1820, id., vol. 8, p. 995.]

Sec. 1 Be it enacted by the Senate and House of Representatives, in General Court convened, that the said act, entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the New Hampshire Union Bank shall remain and continue to be in force for and during the term of twenty years from and after the first day of July in the year of our Lord 1822 during which term the said corporation shall continue, and shall have and enjoy all the rights, privileges and immunities granted to it by said Act, which are not inconsistent with this Act, and shall be subject to all the liabilities, mentioned and provided in and by said act, not inconsistent with the provisions of this act

Sec 2. And be it further enacted, that the said corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said Bank;—And in case any Cashier, Director or other officer of said Bank at any time shall knowingly issue, or order, direct or cause to be issued and put into circulation bills, notes or obligations, of said Bank which together with those before issued and then in circulation shall exceed the amount of the capital stock of said Bank as aforesaid, such Cashier, Director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars, and not less than one thousand dollars.

Sec 3. And be it further enacted, that dividends may be made semiannually among the Stockholders of said Bank of interest or profits actually received, but no part of the capital stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said corporation, be divided among or paid to the Stockholders without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer who shall so divide or pay the same or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.—Provided nevertheless, that it shall be lawful for the Stockholders, after having given one years previous notice of their intention by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves and thereby dissolve said corporation.

Sec. 4. And be it further enacted, that the capital stock of said Bank shall for the purposes of this Act be taken and deemed to be one hundred and fifty thousand dollars being the amount of sums actually paid into said Bank by the stockholders and now composing the capital stock thereof; and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the Bank or other means whatever, it shall be the duty of the directors, in their next annual return of the condition of the said Bank, by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss of diminution, no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriations therefor of the interest and profits actually received.—Provided nevertheless, that the capital stock of said Bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation, and such payments shall thereupon be added to said one hundred and fifty thousand dollars and the amount of both sums shall constitute the capital Stock.

Sec 5. And be it further enacted, that the Legislature shall at all times have the right by, any persons duly appointed for that purpose, to examine into the state, condition and all the doings and transactions of said corporation, and of its officers relating to the same; for which purpose all the books and papers of the corporation together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so to be appointed, and each officer of said corporation shall answer, on oath if required, all suitable and proper interrogatories relating to the State, condition or transactions of said Bank.

Sec 6. And be it further enacted, that after this act shall be

accepted, the annual meeting of the stockholders for the choice of Directors shall be held on the second Monday of July Annually, instead of the first Monday, as directed in the original act of Incorporation.

Sec. 7. And be it further enacted, that all penalties incurred under this act may be recovered by information or suit in the name of the State.

Sec. 8. And be it further enacted, that the Act, entitled, An Act in addition to An Act, entitled An Act, to incorporate sundry persons by the name of the President, Directors and Company of the New Hampshire Union Bank, passed December 22. 1820 be and the same hereby is repealed.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE NEW HAMPSHIRE STRAFFORD BANK, PASSED THE TENTH DAY OF JUNE ONE THOUSAND EIGHT HUNDRED AND THREE.

[Approved June 28, 1821. Original Acts, vol. 26, p. 98; recorded Acts, vol. 22, p. 45. The act referred to is dated June 11, 1803, Laws of New Hampshire, vol. 7, p. 157.]

Sec. 1. Be it enacted, by the Senate and House of Representatives in General Court convened, that the said Act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the New Hampshire Strafford Bank shall remain and continue to be in force for and during the term of twenty years from and after the fourth day of July in the year of our Lord one thousand eight hundred and twenty three, during which term the said corporation shall continue, and have and enjoy all the rights, privileges and immunities granted to it, by said act, which are not inconsistent with this Act, and shall be subject to all the liabilities mentioned and provided in and by said Act, not inconsistent with the provisions of this Act.

Sec. 2. And be it further enacted, that the said Corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital Stock of said Bank; and in case any Cashier, Director or other officer of said Bank at any time shall knowingly issue or order, direct and cause to be issued and put into circulation bills, notes

or obligations of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, Director, or other officer shall forfeit and pay a sum not exceeding ten thousand dollars and not less than one thousand dollars.

Sec. 3. And be it further enacted, that dividends may be made semiannually, among the Stockholders of said Bank, of interest or profits actually received; but no part of the capital Stock of said Bank, shall, either before or after the expiration of the time limited by this act for the continuance of said corporation, be divided among or paid to the Stockholders without the license of the Legislature of this State therefor, on penalty that any Cashier, Director or other officer who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. Provided, nevertheless, that it shall be lawful for the Stockholders after having given one years previous notice of their intention by advertisement in two newspapers published in this State and after payment of all outstanding debts due from said bank to make a division of the capital Stock among themselves and thereby dissolve said corporation.

Sec. 4. And be it further enacted, that the capital stock of said Bank shall, for the purposes of this act, be taken and deemed to be one hundred thousand dollars being the amount of the sums actually paid into said Bank by the stockholders and now composing the capital stock thereof; and in case of a diminution or loss of any portion thereof, by reason of bad or desperate debts due to the bank or other means whatever, it shall be the duty of the Directors in their annual return of the condition of the said Bank, by law required to be made to the Governor and Council, to state the amount of such diminution or loss and the cause thereof; And after such loss or diminution, no dividend of interest or profits shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriations therefor of the interest and profits actually received.—Provided nevertheless, that the capital stock of said Bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation and such payments shall thereupon be added to said one hundred thousand dollars and the amount of both sums shall constitute the capital stock.

Sec. 5. And be it further enacted, that the Legislature shall at all times have the right, by any persons duly appointed for that purpose, to examine into the state, condition and all the doings and transactions of said corporation and of its officers relating to the same; for which purpose all the books and papers of the corporation together with its monies and securities for money shall be exhibited

and submitted to the inspection and examination of such persons so to be appointed; and each officer of said corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Sec. 6 And be it further enacted, that all penalties incurred, under this act, may be recovered by information or suit in the name of the State.

Sec. 7. And be it further enacted, that the said corporation, instead of the name and stile of the President, Directors and company of the New Hampshire Strafford Bank, by which name they were incorporated, by the act to which this in addition, shall from and after the expiration of said act, be known and called by the name of the President, Directors and Company of the Strafford Bank.

[CHAPTER 23.]

State of)
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED AN ACT, TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE PORTSMOUTH BANK PASSED THE ELEVENTH DAY OF JUNE ONE THOUSAND EIGHT HUNDRED AND THREE.

[Approved June 28, 1821. Original Acts, vol. 26, p. 99; recorded Acts, vol. 22, p. 50. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 154. See additional act of June 17, 1836, Session Laws, June, 1836, Private Acts, Chap. 60.]

Sec. 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that the said act, entitled an act, to incorporate sundry persons by the name of the President, Directors and company of the Portsmouth Bank, shall remain and continue to be in force for and during the term of twenty years from and after the first day of July in the year of our Lord one thousand eight hundred and twenty three; during which term the said corporation shall continue, and shall have and enjoy all the rights, privileges and immunities, granted to it by said act, which are not inconsistent with this act, and shall be subject to all the liabilities mentioned and provided in and by said act, not inconsistent with the provisions of this act.

Sec. 2. And be it further enacted, that the said corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount, than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said bank; and in case any Cashier, Director or other officer

of said Bank, at any time shall knowingly issue or order, direct and cause to be issued and put into circulation, bills, notes or obligations of said Bank which together with those before issued and then in circulation shall exceed the amount of the capital stock of said Bank as aforesaid such Cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars and not less than one thousand dollars.

Sec. 3. And be it further enacted, that dividends may be made semiannually among the stockholders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said corporation, be divided among or paid to the Stockholders without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer who shall so divide or pay the same, or order, direct or cause the same to be done shall therefor forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars—Provided, nevertheless, that it shall be lawful for the stockholders, after having given one years previous notice of their intention, by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said corporation.

Sec. 4. And be it further enacted, that the capital stock of said Bank shall for the purposes of this act be taken and deemed to be one hundred thousand dollars being the amount of the sums actually paid into said Bank by the stockholders and now composing the Capital stock thereof, and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the bank, or other means whatever, it shall be the duty of the Directors in their next annual return of the condition of the said bank by law required to be made to the Governor and Council to state the amount of such diminution or loss and the cause thereof; and after such loss or diminution no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriations therefor of the interest and profits actually received; Provided nevertheless, that the capital stock of said Bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation and such payments shall thereupon be added to said one hundred thousand dollars and the amount of both sums shall constitute the capital stock.

Sec. 5. And be it further enacted, that the Legislature shall at all times have the right, by any persons duly appointed for that purpose, to examine into the state, condition, and all the doings and transactions of said corporation, and of its officers relating to

the same; for which purpose all the books and papers of the corporation together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so to be appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories, relating to the state, condition or transactions of said Bank.

Sec. 6. And be it further enacted, that after this act shall be accepted, the annual meeting of the stockholders for the choice of Directors shall be held on the second Monday of July annually instead of the first Monday as directed in the original act of incorporation.

Sec. 7. And be it further enacted, that all penalties incurred under this act may be recovered by information or suit in the name of the State.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE
SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS
AND COMPANY OF THE COGS BANK, APPROVED DECEMBER 24,
1803.

[Approved June 28, 1821. Original Acts, vol. 26, p. 100; recorded Acts, vol. 22, p. 54. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 207.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the said act entitled an Act to incorporate sundry persons by the name of the President, Directors and Company of the Coos Bank shall remain and continue to be in force for and during the term of twenty years from and after the first day of January, 1824, during which term the said corporation shall continue and shall have and enjoy all the rights, privileges and immunities granted to it by said act which are not inconsistent with this act, and shall be subject to all the liabilities mentioned and provided in and by said act not inconsistent with the provisions of this Act.

Sec. 2. And be it further enacted that the said Corporation shall not issue and have in circulation at any one time, bills, notes, or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said Bank. And in case any Cashier, Director or other officer of said Bank at any time shall knowingly issue, or order, direct or cause to be issued and put into circulation, bills, notes or obligations

of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such Cashier, Director or other officer, shall forfeit and pay a sum not exceeding ten thousand dollars and not less than one thousand dollars.

Sec. 3 And be it further enacted, that dividends may be made semiannually among the Stockholders of said Bank, of interest or profits actually received; but no part of the capital stock of said Bank, shall, either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among or paid to the Stockholders without the licence of the Legislature of this state therefor on penalty that any Cashier, Director or other officer who shall so divide or pay the same or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. Provided nevertheless that it shall be lawful for the Stockholders after having given one year's previous notice of their intention by advertisement in two newspapers published in this state and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said corporation.

Sect. 4. And be it further enacted, that the capital stock of said Bank, shall, for the purposes of this act, be taken and deemed to be one hundred thousand dollars, being the amount of sums actually paid into said Bank by the Stockholders and now composing the capital stock thereof, and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the Bank, or other means whatever, it shall be the duty of the Directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council to state the amount of such diminution, or loss, and the cause thereof; and after such loss or diminution no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriation therefor of the interest and profits actually received.

Sec. 5. And be it further enacted, that the Legislature shall at all times have the right, by any persons duly appointed for that purpose to examine into the state, condition and all the doings and transactions of said corporation and of its officers relating to the same, for which purpose all the books and papers of the corporation together with its money and securities for money shall be exhibited and submitted to the inspection and examination of such persons so to be appointed, and each officer of said corporation shall answer, on oath if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Sec. 6. And be it further enacted, that from and after the first day of January, Anno Domini, one thousand eight hundred and

twenty two, the said Corporation shall in all cases be called and known by the name and style of the President, Directors & Company of the Grafton Bank.

Sec. 7. And be it further enacted, that all penalties incurred under this act may be recovered by information or suit in the name of the State.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE CHESHIRE BANK."

[Approved June 28, 1821. Original Acts, vol. 27, p. 1; recorded Acts, vol. 22, p. 58. The act referred to is probably dated December 24, 1803, Laws of New Hampshire, vol. 7, p. 203. See additional acts of June 27, 1827, *post*; June 10, 1844, Session Laws, June, 1844, Chap. 115 and June 26, 1863, *id.*, 1863, Chap. 2809.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said act, entitled "an act to incorporate sundry persons by the name of the President, Directors and Company of the Cheshire Bank," shall remain and continue to be in force for and during the term of twenty years from and after the first day of March which will be in the year of our Lord one thousand eight hundred and twenty four; during which term the said Corporation shall continue and shall have and enjoy all the rights, privileges and immunities granted to it in and by said act which are not inconsistent with this act, and shall be subject to all liabilities mentioned and provided in and by said act not inconsistent with the provisions of this act.

Sec. 2. And be it further enacted, That the said Corporation shall not issue and have in circulation at any one time, bills, notes, or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said Bank; and in case any cashier, director or other officer of said Bank shall at any time knowingly issue, or order, direct, or cause to be issued and put in circulation, bills, notes or obligations of said Bank, which, together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars.

Sec. 3. And be it further enacted, That dividends may be made semiannually among the stockholders of said Bank of interest or

profits actually received, but no part of the capital stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among or paid to the stockholders without the licence of the Legislature of this State therefor, on penalty that any cashier, director or other officer who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars, Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention, by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said Corporation.

Sec. 4. And be it further enacted, That the capital stock of said Bank shall for the purposes of this act be taken and deemed to be one hundred thousand dollars, being the amount of the sums actually paid into said Bank by the stockholders and now composing the capital stock thereof; and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the Bank, or other means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution, or loss, and the cause thereof; and after such loss or diminution no dividend of interest or profits shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders, or by appropriations therefor of the interest or profits actually received.

Provided nevertheless, that the capital stock of said Bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation; and such payments shall thereupon be added to said one hundred thousand dollars, and the amount of both sums shall constitute the capital stock.

Sec. 5. And be it further enacted, That the Legislature shall at all times have the right by any persons duly appointed for that purpose to examine into the state and condition, and all the doings and transactions of said Corporation, and of its officers relating to the same; for which purpose all the books and papers of the Corporation together with its money and securities for money shall be exhibited and submitted to the inspection and examination of such persons so to be appointed. And each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Sec. 6. And be it further enacted, That all penalties incurred under this act may be recovered by information or suit in the name of the State.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE FIRST BAPTIST MUSICAL SOCIETY IN SANDBORNTON.—

[Approved June 29, 1821. Original Acts, vol. 27, p. 2; recorded Acts, vol. 22, p. 61.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that John Carr, Simon Lane, Mark Smith, Jacob Smith and their associates, successors and assigns, be and they are hereby made a body politic and corporate forever, by the name of “the first Baptist Musical Society in Sandbornton”, with all the powers, privileges and immunities incident to corporations of a similar nature with continuance and succession forever.

Section 2. And be it further enacted, that John Carr and Simon Lane, or either of them, may call the first meeting of said Corporation, by posting up in two public places in said town, a notification of the time and place of said meeting, ten days at least, prior thereto; and that said society have liberty to establish such by laws as are necessary for the good regulation of said society, which are not repugnant to the constitution and the laws of this State.

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A LITERARY FUND TO BE COLLECTED FROM THE SEVERAL BANKING CORPORATIONS WITHIN THIS STATE.

[Approved June 29, 1821. Original Acts, vol. 27, p. 3; recorded Acts, vol. 22, p. 62. Session Laws, 1821, Chap. 35. Laws, 1824 ed., p. 110; id., 1830 ed., p. 324. Last section of this act repealed July 3, 1822, *post*. See acts of December 31, 1828, *post*; July 1, 1830, Session Laws, 1830, Chap. 29, and July 2, 1831, id., 1831, Chap. 44. Wholly repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened; that his Excellency the Governor, the Secretary, and the Treasurer of this State for the time being, be and they hereby are appointed commissioners to manage and Superintend a fund to be formed and constituted in the manner herein after prescribed, to be denominated the Literary Fund, which said Fund shall be for the sole use and purpose of endowing or sup-

porting a College for Instruction in the higher branches of science and Literature, and to be appropriated to this purpose in the manner the Legislature of this State shall hereafter order and appoint; Provided, said fund shall never be applied to the benefit of any institution which is not under the direction and control of the State.

Section 2. Be it further enacted, that the commissioners aforesaid be, and they hereby are authorized, empowered and directed to vest the several sums hereafter from time to time to be received by the Treasurer by virtue of this Act and the interest which may hereafter accrue and be received on the same, in productive public stocks or other securities in the name of this State in the manner they shall deem most conducive to the interest of the same and shall prepare and lay a statement of the amount, condition and circumstances of said Fund before the Legislature of this State on the second Wednesday of June annually—

Section 3. Be it further enacted, that from and after the first day of July Anno Domini 1822, no Banking corporation established or to be established under the authority of this State shall issue or put in circulation in any manner whatever any bills, notes or obligations made by said Corporation unless the same be stamped by the Treasurer of this State with some suitable and appropriate stamp to be approved by his Excellency the Governor which said stamp shall designate the year in which the same is used and applied.—And it shall be the duty of the Treasurer any time in the month of June in each year to stamp all bills, notes or obligations presented to him for that purpose by any banking corporation established or to be established under the authority of this State; And said corporation shall pay to the Treasurer at or after the rate of Fifty dollars for every thousand dollars in bills, notes or obligations, so stamped as aforesaid on the delivery of the same; Provided nevertheless that the several and respective Banking-Corporations aforesaid may be relieved and discharged from all the provisions of this Act by paying on the second Wednesday of June Annually to the Treasurer of this State one half of one per cent on the amount which shall at the time constitute the actual capital stock of said Bank; and in case any dispute shall arise respecting the amount of said Capital stock, the same, for the purposes of this Act, shall be determined by the commissioners aforesaid.

Section 4 Be it further enacted, that it shall be lawful for any Banking corporation to issue and circulate their bills, notes and obligations so stamped as aforesaid for one year from the first day of July next after the same shall be so stamped, and no longer unless the same shall be again stamped agreeably to the provisions of this act—And no banking corporation aforesaid shall issue or put in circulation in any manner whatever within this State any bills, notes or obligations of any other banking corporations not stamped as aforesaid.

Sec. 5. Be it further enacted, that any President, Director or other officer of any Banking Corporation, established or to be established as aforesaid, who shall knowingly issue or put in circulation, or cause to be issued or put in circulation in any manner whatever any bills, notes or obligations of any Banking Corporations as aforesaid contrary to the provisions of this Act he shall forfeit and pay a sum not exceeding five hundred dollars nor less than One hundred dollars to be recovered by suit or information in the name of the State and to be applied to increase the fund aforesaid.

Section 6. Be it further enacted, that the Treasurer of this State shall account to the Commissioners aforesaid for all sums which he may receive by virtue of this act.

Section 7. Be it further enacted, that the said fund is and shall continue to be pledged and appropriated to the endowment or support of a College for instruction in the higher branches of science and literature in this State to be applied in such way and manner as the Legislature shall hereafter direct and shall not be disposed of or applied to any other use or purpose whatever; And that the said commissioners may accept receive and hold donations, bequests and devises of real and personal estate made by individuals for the increase of said fund which shall be deemed and taken to constitute a part thereof.

Section 8. Be it further enacted, that so much of the act, entitled an act to establish the rates at which polls and rateable estate shall be valued in making and assessing direct taxes as relates to the valuation and taxation of Bank shares be and the same is hereby repealed so far as relates to the future taxation of the shares of the owners of Bank Stock in any Banking Corporation established or to be established under the authority of this State.

[CHAPTER 28.]

State of)
New Hampshire. {

AN ACT, REGULATING PEDLARS, HAWKERS AND SHOWMEN.

[Approved June 29, 1821. Original Acts, vol. 27, p. 4; recorded Acts, vol. 22, p. 66. Session Laws, 1821, Chap. 31. Laws, 1824 ed., p. 113; id., 1830 ed., p. 328. Partly repealed by act of June 27, 1835, Session Laws, 1835, Chap. 205. Wholly repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted, by the Senate and House of Representatives in General Court convened that from and after the first day of September next no person or persons shall exercise the business of a hawker or pedlar going from town, to town, or from place to place on foot, or with a horse, or horses, or otherwise carrying to

sell, or exposing to sale any goods, wares or merchandize within this State, without licence first had and obtained from the Justices of the court of sessions, who are hereby empowered to grant such licence for a term not exceeding one year; Provided the person making such application shall produce to said Court satisfactory evidence that he sustains a good moral character, which evidence shall be in writing and filed in said Court; and the licence, if granted, shall be recorded by the Clerk among the records of said Court, and a certified copy of said record shall be delivered to and kept by the person licenced.

Sec. 2. And be it further enacted, that for every person, who obtains licence as aforesaid there shall be paid to the Treasurer of the County where such licence is granted for the use thereof, twelve dollars, which shall be by said Treasurer certified on said licence before the same shall be of any avail.

Sec. 3. And be it further enacted, that if any person shall exercise the business of a Hawker or Pedlar within this State without a licence therefor as is herein before provided or shall while pursuing such business, refuse to show such licence for examination to any citizen of this State, to whom such pedlar shall offer to sell any of his goods, wares or merchandize, if thereto requested, such person shall for either of the offences aforesaid forfeit and pay a sum not less than ten dollars, nor more than fifty dollars.

Sec. 4. And be it further enacted, that any Justice of the Peace on complaint made to him of any such offence may issue his warrant against the person complained against and order him to recognize with sufficient surety or sureties to answer the complaint aforesaid before the Justices of the Superior Court next to be held in the County where said offence was committed; and the offences aforesaid may be prosecuted by indictment before said Court—And the penalties aforesaid shall be one half to and for the use of the County where the offence may be committed and the other half to and for the use of the complainant.

Sec. 5. And be it further enacted, that the person obtaining said licence shall pay to the Clerk of said Court for all his fees in relation thereto the sum of one dollar.

Sec. 6. And be it further enacted, that all showmen, tumblers, rope dancers, ventriloquists, or other persons, who shall for pay, exhibit any animals, wax figures, puppets, or any extraordinary feats of agility of body or slight of hand, rope-dancing, or performing feats with cards, within any town within this State shall before any such exhibition or performance, procure from the Selectmen of such Town a licence for that purpose, which licence shall specify the number of days or number of times such person or persons are allowed to perform or exhibit in said Town.

Sec. 7. And be it further enacted, that for every licence granted as aforesaid, there shall be paid to the Selectmen for the use of said

Town by the person or persons obtaining the same a sum not less than three dollars, nor more than thirty dollars.

Sec. 8. And be it further enacted, that if any person or persons shall exhibit any shows or perform any feats without licence and contrary to the provisions of the sixth and seventh sections of this act he, she, or they shall, for every such offence, upon conviction thereof forfeit and pay a sum not less than ten dollars nor more than thirty dollars with costs of prosecution.

Sec. 9. And be it further enacted, that any Justice of the Peace on complaint made to him of any such offence may issue his warrant against the person complained against and order him to recognize with sufficient surety or sureties to answer the complaint aforesaid before the Justices of the Superior Court next to be held in the county where said offence was committed.—And said offence may be prosecuted by indictment before said Court—And the penalties aforesaid shall be one half to and for the use of the County where the offence was committed and the other half to and for the use of the complainant.

Sec. 10 And be it further enacted, that all offences against this act, shall be prosecuted within one year next after the offence shall have been committed.

Sec. 11 And be it further enacted, that nothing herein before mentioned shall extend to prevent any person from selling or exposing to sale any articles the growth, produce or manufacture of the United States, except feathers, distilled spirits, playing cards, Lottery tickets, and Jewelry.

[CHAPTER 29.]

State of)
New Hampshire.)

AN ACT, FOR CEDING TO THE UNITED STATES A PLACE CALLED
SUNKEN ROCKS, IN PORTSMOUTH HARBOR.—

[Approved June 29, 1821. Original Acts, vol. 27, p. 5; recorded Acts, vol. 22, p. 69. Session Laws, 1821, Chap. 33. Laws, 1824 ed., p. 205; id., 1830 ed., p. 41.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court convened, that so much of a certain ledge of rocks known and called by the name of Sunken rocks, being below low water mark in Portsmouth Harbor, as shall hereafter be covered by a pier or beacon, at the expense of the United States, not exceeding one hundred feet square, be, and the same hereby is ceded and vested in the United States, with all the jurisdiction thereof, which is not reserved by this act.

Sec. 2. Provided nevertheless, and be it further enacted, that all writs, warrants, executions, and all other processes of every kind, both civil and criminal, issuing under the authority of this State, or any officer thereof, may be served and executed on any part of said territory, or any pier, or beacon, or building which may be erected thereon, in the same way and manner, as though this Act had not been passed.

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF "THE PEMBROKE SACRED MUSIC SOCIETY.—

[Approved June 29, 1821. Original Acts, vol. 27, p. 6; recorded Acts, vol. 22, p. 70.]

Whereas Sacred Music is a religious ordinance of divine appointment and of salutary influence upon public morals, and whereas an association of counsel and of talents tends to bring this delightful part of the worship of Jehovah to a higher state of improvement;

Sec. 1. Be it therefore enacted, by the Senate and House of Representatives, in General Court convened, that Josiah Kittredge, William Bayley William Haseltine their associates, and such as may hereafter become members of said society, be and they hereby are made a corporation by the name of the Pembroke Sacred music society, and by that name may sue and be sued, defend and defended, and be known and distinguished in their acts and proceedings in all cases whatever, and shall be and hereby are vested with all such powers and privileges as are enjoyed by corporations of a similar nature.

Sec. 2. And be it further enacted, that Josiah Kittredge, and William Bayley or either of them may call the first meeting of said society at any suitable time and place in said Pembroke by posting up a notification for that purpose at the South meeting house therein at least fifteen days prior to said meeting, at which, the members thereof shall choose a Clerk and such other officers as they may think proper, shall agree on a method of calling further meetings, and the time of their annual meeting, and at the same or any subsequent stated meeting, may establish rules and by laws for their regulation and government, and may order such assessments, as they may think just and reasonable.

Sec. 3. And be it further enacted, that said society may receive, hold and enjoy by gift, grant or otherwise personal estate to any

amount not exceeding one thousand dollars; And the same may be appropriated to such purposes as are consistent with the end and design of the institution of said society and as the members shall determine.

[CHAPTER 31.]

State of {
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
UNION AQUEDUCT IN THE TOWN OF PORTSMOUTH.

[Approved June 29, 1821. Original Acts, vol. 27, p. 7; recorded Acts, vol. 22, p. 71.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Henry Ladd, Robert Rice, John Haven, Alexander Ladd, John Hill, Isaac Waldron, and their associates, successors and assigns be and they are hereby incorporated a body politic and corporate by the name of the Union Aqueduct for the purpose of bringing fresh water into any place or places in the town of Portsmouth by subterraneous pipes or tubes; and the corporation by the name aforesaid shall be capable of holding real estate to the amount of two thousand dollars, with all other powers and privileges and subject to all the liabilities incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that either of the persons named in the first section of this Act may call the first meeting of said corporation by advertisement in some newspaper printed in the town of Portsmouth giving at least seven days notice of the time and place of such meeting and the corporation by a vote of a majority of those present at such meeting shall choose a Clerk, and at the same or any subsequent meeting, may elect such other officers and make and establish all such by laws, rules and regulations as may be deemed necessary for the government of said corporation and for carrying into effect the objects of the same; provided the said by laws, rules and regulations be not repugnant to the constitution and laws of this State.

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT TO DISANNEX A PART OF THE TOWN OF NEWINGTON AND ANNEX THE SAME TO THE TOWN OF PORTSMOUTH.

[Approved June 29, 1821. Original Acts, vol. 27, p. 8; recorded Acts, vol. 22, p. 73.]

Whereas John N. Sherburne, Benjamin Millar and Charles Hodgdon have petitioned the General Court, representing the inconveniences to which they are subjected as inhabitants of Newington, and praying to be annexed to the town of Portsmouth; and it appearing reasonable that their request be granted:

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the several lots of land owned by the said John N. Sherburne, Benjamin Millar and Charles Hodgdon, situate on the easterly and westerly sides of the road leading from Portsmouth to Piscataqua bridge, containing in all about eighty acres, bounded on the north by lands of Richard Pickering and the heirs of Samuel Thompson, on the east by Robert Ham, on the south by said Ham and Dennet's lane, so called, and on the west by Samuel Elliot's land, with all the inhabitants living on said lots of land, now constituting a part of the town of Newington, be, and the same hereby are disannexed from said town of Newington and annexed to the town of Portsmouth, and that said lots of land and inhabitants thereon be considered and hereafter made to constitute a part of said town of Portsmouth: Provided however that this act shall not be considered as exempting said lots of land and inhabitants from the payment of all or any such taxes as have been legally assessed upon them by said town of Newington.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE GIDEON WALKER AND OTHERS BY THE NAME OF THE PORTSMOUTH MILL COMPANY,

[Approved June 29, 1821. Original Acts, vol. 27, p. 9; recorded Acts, vol. 22, p. 74.]

Whereas Gideon Walker and the persons herein after named, have associated for the purpose of improving the water privilege on the North mill pond in said Portsmouth, and whereas the said Gideon

Walker hath already erected divers mills and machines on said water privilege, at great pains and expense, which he is willing to convey to said association; and whereas the object of said association is of public utility, as well as of great advantage to those more immediately concerned therein, and ought therefore to be encouraged; Therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Gideon Walker, Mark Leighton, Ephraim Dennett with their associates and such other persons as shall from time to time be admitted members of said association, according to the rules which may be established by the by-laws of the corporation, be and they are hereby created a body politic and corporate by the name of the Portsmouth Mill Company, for the purpose of erecting continuing and managing in their corporate capacity within the said town of Portsmouth all such mills and machines as are moved by water power, and also for the purpose of buying, selling and manufacturing grain and wool, and other materials necessary for the use and employment of their said mills—with all the powers, privileges and liabilities incident to corporations of this nature. And the said Corporation may hold, possess and enjoy, and use and employ for the purposes aforesaid, real and personal estate not exceeding the sum of thirty thousand dollars.

Sec. 2. And be it further enacted, that the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the members to convene at said meetings, and they shall have power to elect from among the Proprietors such officers with such powers as they shall judge expedient, And also further to ordain and enact any by laws for the due government of the said corporation and the management of its affairs; provided the same be not repugnant to the constitution and laws of this State.

Sec. 3. And be it further enacted, that the payment of all assessments and fines duly levied by the members of said corporation agreeably to the by laws thereof may be enforced either by action at law or by sale of the delinquent's share or shares and his consequent exclusion from the corporation as shall be pointed out by the by laws

Sec 4. And be it further enacted, that the said Gideon Walker shall call the first meeting of this Corporation by giving notice thereof by advertisement in one of the Newspapers printed in said Portsmouth.

Sec 5. And be it further enacted, that this act shall continue in force thirty years from the passing of the same.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE THE DUBLIN MUSICAL SOCIETY.

[Approved June 29, 1821. Original Acts, vol. 27, p. 10; recorded Acts, vol. 22, p. 76.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Samuel Fisher, Cyrus Mason, Nahum Warren, Franklin Wait, John Morse 2nd, Joseph Richardson, Jeremiah Greenwood, Joshua Greenwood, Samuel Allison and David Townsend, and their associates and successors be and they are hereby created and made a body corporate and politic forever, by the name of the Dublin musical society, and by that name may sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution; and may make, have and use a common seal, and the same may alter and renew at pleasure— And may have and possess all the rights, privileges and immunities incident to corporations of a similar nature.

Section 2. And be it further enacted, that Samuel Fisher, Cyrus Mason, and Nahum Warren or either two of them are hereby authorized to call the first meeting of said Corporation by giving three weeks notice thereof in writing to be posted up in one or more public places in said Dublin, at which meeting the said corporation may make such rules and enact such by laws as they shall think proper; provided such rules and by laws be not repugnant to the constitution and laws of this State.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT, TO ENFORCE THE PAYMENT OF BILLS AND NOTES ISSUED BY BANKING COMPANIES.—

[Approved June 29, 1821. Original Acts, vol. 27, p. 11; recorded Acts, vol. 22, p. 77. Session Laws, 1821, Chap. 34. Laws, 1824 ed., p. 110; id., 1830 ed., p. 133. See act of July 5, 1837, Session Laws, 1837, Chap. 321. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that if any Banking company, incorporated by the authority of this State, shall neglect or refuse to pay any bill or note made and issued by such banking company, when duly demanded, the holder of such bill or note shall be entitled

to and allowed interest thereon at the rate of two per centum, for each month, to be computed from the time of such demand.

Sec. 2. And be it further enacted, that the several banking corporations in this State, shall be liable to pay to any bona fide holder the original amount of any note or notes of said Banks altered in the course of their circulation to a larger amount, notwithstanding such alteration.

Sec. 3. And be it further enacted, that all committees appointed by the Legislature for the purpose of examining into the state and condition of any banking corporation in this state, shall be paid a reasonable compensation therefor by said Corporation.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT, REQUIRING CERTAIN PERSONS TO ACCOUNT TO THE ADJUTANT GENERAL AND VESTING CERTAIN POWERS IN THAT OFFICER.

[Approved June 29, 1821. Original Acts, vol. 27, p. 12; recorded Acts, vol. 22, p. 78. Session Laws, 1821, Chap. 30. Laws, 1824 ed., p. 88. See acts of December 22, 1820, Laws of New Hampshire, vol. 8, p. 955; June 27, 1821, *ante*, p. 23; July 2, 1822, July 3, 1822, and July 12, 1824, *post*. Repealed by act of January 2, 1829, *post*.]

Sec. 1. Be it enacted, by the Senate and House of Representatives, in General Court convened, that where Colonels of Regiments or any other person or persons have received from the late Adjutant General of this State, any money appropriated for music money or for the annual allowance of Artillery Companies and have neglected to pay over the same to the Captains or commanding officers of the several companies for whom such money was intended; or where any person or persons have received from this State any money appropriated for building gunhouses and have not applied the same to that purpose, every such person or persons shall account for the money, so by them received, to the present Adjutant General of this State and shall pay over the same to him.

Sec. 2. Be it further enacted, that the Adjutant General be and he hereby is authorized, empowered and directed to require of all persons who have received money as aforesaid, to render an account to him of the same; and in case the said money be not paid over to the captains or commanding officers of Companies before the passing of this act, to require every such person or persons to pay the same to him.

Sec. 3. Be it further enacted, that if any person or persons shall neglect or refuse to pay over to the Adjutant General any money received by them as aforesaid and remaining in their hands, the said Adjutant General is hereby authorized and empowered to sue for

and recover the same with costs, in an action for money had and received in the name of this State.—And the defendant shall be held to show that he has paid over the money so by him received to the several Captains or Commanding officers of Companies for whom it was intended, or has appropriated the money to the purpose for which it was intended.

Sec. 4. Be it further enacted, that it shall be the duty of the late Adjutant General to deliver to the present Adjutant General all receipts and vouchers which he has taken of any person or persons for the money aforesaid; and also all books, maps, charts and other papers belonging to the Adjutant General's office—

Sec. 5. Be it further enacted, that where any officer or officers, person or persons have heretofore received from this State any military books, papers or other property, and on resigning their commissions have retained the same, every such person or persons shall account for and deliver the same to the Adjutant General or his order.—And the Adjutant General is hereby authorized and empowered to sue for and recover all such books, papers and property in an action in the name of this State.

Sec. 6. Be it further enacted, that the Adjutant General be and he hereby is authorized and empowered to examine into any and all cases of omission or neglect to make the returns required by the militia law of December last and to report a statement of facts to the commander in Chief; And if, in the opinion of the commander in Chief, said omissions or neglect arose from circumstances which ought to excuse the person or persons so omitting or neglecting from paying said fines and penalties he may direct the Adjutant General to omit to prosecute or suspend indefinitely any prosecution or prosecutions which may have been commenced.

Sec. 7. Be it further enacted, that the Adjutant General shall account to the State for all monies and fines by him received under this Act.

[CHAPTER 37.]

State of)
New Hampshire. {

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE "WASHINGTON LIBRARY."

[Approved June 29, 1821. Original Acts. vol. 27, p. 13; recorded Acts, vol. 22, p. 81. The act referred to is dated June 16, 1813. Laws of New Hampshire, vol. 8, p. 224. See additional act of June 27, 1822, *post.*]

Sec 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That all that part of the third

section of the aforesaid act which is in the following words, to wit. "which stock shall in nowise be raised by assessment, but by voluntary contribution, which, agreeable to the petition of the proprietors shall not be transferable, or descend to the heirs of the proprietors, but constitute a permanent fund of information for those who are or may become associates and proprietors in the same—" and the whole of the fourth section of said act, be, and the same is hereby repealed.

Sec. 2. And be it further enacted, That the proprietors of said Library, at any annual meeting, may divide their joint stock into any number of shares, not exceeding fifty, and may issue certificates to the holders thereof, numbered in progressive order, beginning with number one, and signed by the Librarian, and may agree on the manner of transferring them—All elections and other questions may be determined by a majority of votes, accounting and allowing one vote to each share; and absent proprietors may vote by proxy, being authorized thereto in writing signed by the person represented and filed with the Librarian.

Sec. 3. And be it further enacted, That said proprietors may at any annual meeting, but at no other time, assess such sum as they may deem proper, not exceeding one dollar on each share; may fix the time of its payment, and may collect and apply the same to promote the beneficial purposes intended by the act to which this is in addition; and in case of the non-payment of such assessment for the space of thirty days after the same shall have become due and payable, may deprive the owner of such delinquent share or shares of the privilege of said Library until the same shall have been paid.

[CHAPTER 38.]

State of)
New Hampshire. {

AN ACT, TO CHANGE THE NAMES OF THE PERSONS THEREIN MENTIONED.

[Approved June 29, 1821. Original Acts, vol. 27, p. 14; recorded Acts, vol. 22, p. 82.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that William Cotton of Wolfborough shall be allowed to take the name of William Weston; that Robert Nelson, Junior, of Lyman may take the name of Robert Gray Nelson; that Joseph Neele of Tamworth may take the name of John Paine; that Samuel Leathers of Bethlehem may take the name of Samuel Leighton; that Squire Willey of Swanzey, may take the name of George Willey; that Charles Heald, the adopted child

of Moses Dodge of Peterborough, may take the name of Charles Dodge; that James Lamper of Barnstead, may take the name of James Bunker, and that Mary Ann Lamper, daughter of said James, may take the name of Mary Ann Bunker.

Sec. 2. And be it further enacted, that from and after the passing of this act, the several persons herein before named shall be known and called by the names, which, by this act, they are respectively allowed to take and assume as aforesaid: And that said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAME OF THE PEMBROKE COTTON AND WOOLLEN FACTORY

[Approved June 29, 1821. Original Acts, vol. 27, p. 15; recorded Acts, vol. 22, p. 83. See act of incorporation dated June 19, 1810, Laws of New Hampshire, vol. 7, p. 882.]

Be it enacted by the Senate and House of Representatives in General Court convened—

That the Corporation called and known by the name of the Pembroke Cotton & Woollen Factory shall from and after the passing of this Act, be called and known by the name of the Suncook Cotton & Woollen Factory in all judicial and other proceedings and by no other name.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT, TO EXEMPT FROM TAXATION CERTAIN ESTATE AT LITTLE'S FALLS FOR A TERM OF YEARS.—

[Approved June 29, 1821. Original Acts, vol. 27, p. 16; recorded Acts, vol. 22, p. 84.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that any mill or mills which shall be erected near Little's falls, so called, on Pemigewasset river to operate by the waters of said—river together with the mill sites, water privileges, machinery, gear and furniture affixed or appertaining to said mills, whether the same be real or personal property, be and they are hereby exempted from taxation for and during the term of

five years from and after the same shall have been in operation— But this act shall not exempt from taxation any stock or articles manufactured at said mills.

Sec. 2. Be it further enacted, that the Town where mills are to be built, on any of the mill sites aforesaid, may, by vote at a legal meeting duly notified for the purpose, exempt from taxation, such mills, mill sites, water privileges, machinery, gear and furniture, for a further term not exceeding fifteen years on such conditions as may be stipulated.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE HILLSBOROUGH ACADEMY.

[Approved June 29, 1821. Original Acts, vol. 27, p. 17; recorded Acts, vol. 22, p. 85.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Benjamin Pierce, John M^cNeil Junior, John Burnham, and their associates and successors be and they hereby are incorporated and made a body politic under the name of the Hillsborough Academy, and by that name may sue, and prosecute, and be sued and prosecuted to final judgement and execution, and shall have and enjoy all the powers and privileges, which by law are incident to corporations of a similar nature.

Section 2^d. And be it further enacted, that the said Corporation may establish an Academy in Hillsborough for the instruction and education of youth, and erect and maintain suitable buildings therefor, and may purchase and receive by donation, and hold personal and real estate of any kind not exceeding ten thousand dollars in value

Section 3^d. And be it further enacted, that the Corporation at any meeting duly holden, may make such rules, regulations and bye laws, for the management of the interests and concerns of said Institution, and appoint such and so many officers as they shall think proper, and prescribe their powers and duties, provided said rules & regulations are not repugnant to the Laws and Constitution of this State.

Section 4th. And be it further enacted, that the said Benjamin Pierce shall by an advertisement published in the Hillsborough Telegraph printed at Amherst call the first meeting to be holden at a suitable time, and place in said Town of Hillsborough, when the manner of holding future meetings may be regulated, and any business relating to said Corporation transacted.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR THE MAINTENANCE OF BASTARD CHILDREN" PASSED FEBRUARY 11. 1791.

[Approved June 29, 1821. Original Acts, vol. 27, p. 18; recorded Acts, vol. 22, p. 86. Session Laws, 1821, Chap. 32. Laws, 1824 ed., p. 115. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 666. See act of June 30, 1821, *post*. Repealed by act of June 28, 1827, *post*.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that no release or discharge given by the mother to the reputed father of any illegitimate child, touching the cause of any prosecution under the act, to which this is in addition, and no agreement, compromise or settlement of said prosecution, made by and between the said father and mother of said child without the consent, given in writing, signed by the Selectmen or Overseers of the poor, or the major part of them, of the town by law chargeable with the maintenance of said child, shall be of any avail to discharge, defeat or in any way affect said prosecution

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF "THE PROPRIETORS OF THE CENTRAL BRIDGE IN CONWAY."

[Approved June 29, 1821. Original Acts, vol. 27, p. 10; recorded Acts, vol. 22, p. 87. Session Laws, 1821, Chap. 37. See act of December 16, 1808, Laws of New Hampshire, vol. 7, p. 725.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Thomas F. Odell, Zara Cutler, Benjamin Osgood and their associates, and those that may hereafter become associates in the said bridge, their successors and assigns. shall be and hereby are created and made a corporation and body politick by the name of "The Proprietors of the Central Bridge in Conway," for and during the term of twenty years from the first day of July 1821, and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution, and may have and use a common seal, and the same may alter at pleasure.

Sec. 2. And be it further enacted, that the said Corporation may erect and maintain a bridge across Saco river in said Conway at any place within a half mile above or below Odell's falls, so called, and may purchase and hold lands near said Bridge, sufficient for the building a Toll house, and such other buildings as shall by the said Corporation be considered necessary for the purposes of this act.

Sec. 3. And be it further enacted, that either two of the above named proprietors may call the first meeting of said Corporation to be holden at Conway in the county of Strafford at any suitable time and place by posting up at two public places in said Conway notifications by them signed thirty days before such meeting—And at said meeting the proprietors by a majority of those present may choose a Clerk, who shall be sworn faithfully to discharge his duty,—and at the same or any subsequent meeting may choose such other officers as they may deem expedient, and may establish such By-Laws, rules and regulations as shall be thought necessary for regulating and governing said Corporation and for completing the purposes of this act. Provided said By Laws, be not repugnant to the Constitution and Laws of this state.

Sect. 4. And be it further enacted, that at all meetings of said Corporation all questions shall be determined by a majority of the votes of the proprietors present or represented, allowing one vote for each share—And all representations at any meeting of said corporation shall be proved in writing signed by the person to be represented which shall be filed by the Clerk; And this Act, and all By Laws, rules, regulations and proceedings of said Corporation shall be fairly recorded by the Clerk in a book or books to be kept for that purpose.

Sec. 5. And be it further enacted, that the mode of conveyance of shares or interest in said Corporation shall be by deed duly executed and acknowledged, and recorded by the Clerk in the books of said Corporation, and the fees to be paid to the Clerk for this service shall be the same as are established by law for the Registers of deeds in this State.

Sec. 6. And be it further enacted, that when any tax or assessment may be made on the shares of the proprietors, for the carrying into effect the purposes of this act, the share or shares of delinquent proprietors may be sold at public auction, and if any overplus remain after paying the tax or assessment on such shares and charges, it shall be deposited with the clerk or treasurer of said Corporation to be delivered to the proprietor whose share or shares may have been sold, or to his Agent duly authorized to receive the same.

Sect. 7. And be it further enacted, that said Corporation may demand and recover the following toll of every person travelling on said Bridge, according to the rates following; viz. for each foot passenger one cent; for each horse and rider four cents; for every chaise chair, sulkey or other two wheeled carriage of pleasure drawn

by one horse eight cents; for each additional horse three cents; for every chariot phaeton or other four wheeled carriage of pleasure fifteen cents; and for each additional horse three cents; for every sleigh drawn by one horse four cents; for each sleigh drawn by more than one horse two cents, and for each additional horse two cents; for each carriage of burthen drawn by one beast four cents; and two cents for each additional beast; for each horse or neat creature other than those rode on, or in carriages one cent; for each sheep or swine one fourth of a cent—And to each team one person only shall be allowed to pass free of toll; and at all times when the toll-gatherer does not attend his duty, the gate shall be left open.

Sect. 8. And be it further enacted, that said corporation shall be answerable for all damages sustained through insufficiency or want of repair in said Bridge and may be indicted and fined as Towns are by law for suffering Bridges to be out of repair.

Provided, that if said Bridge shall not be completed within four years from and after passing this act every section and clause of the same shall be null and void.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT REGULATING THE FEES OF WITNESSES IN PROSECUTIONS AGAINST TOWNS FOR NEGLECT IN MAKING OR REPAIRING HIGH- WAYS AND BRIDGES.

[Approved June 29, 1821. Original Acts, vol. 27, p. 20; recorded Acts, vol. 22, p. 90. Session Laws, 1821, Chap. 36. Laws, 1824 ed., p. 101.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that no fees shall be taxed for witnesses in prosecutions against a town for neglect in making or repairing highways or bridges hereafter to be instituted, unless such witness shall have attended as a witness in such prosecution, for which he claims fees, by direction of the Attorney General, or Solicitor of the County where the prosecution may be.

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT FOR APPREHENDING OFFENDERS IN ANY COUNTY—

[Approved June 30, 1821. Original Acts, vol. 27, p. 21; recorded Acts, vol. 22, p. 91. Session Laws, 1821, Chap. 49. Laws, 1824 ed., p. 115; id., 1830 ed., p. 156. See act of June 29, 1821, *ante*, p. 52. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that whenever a warrant against any person shall be duly issued by a Justice of the peace within this State, for any supposed offence, committed within his county, or in pursuance of the provisions of law for the maintenance of bastard children, and the person complained of shall either before or after the issuing of such warrant escape or go out of the said County, the Sheriff, or any deputy Sheriff thereof, or the constable of any town to whom the said warrant shall be directed, shall have power and authority to pursue the person complained of, and to apprehend him in any county in this State, and him carry before some Justice of the peace within the county in which he shall be so apprehended for examination; and if it shall appear to said Justice, that the said warrant was duly issued and that such offender had escaped as aforesaid, he shall send, by warrant directed to such sheriff, deputy sheriff, or constable, such offender into the county in which the warrant issued, that such proceedings may there be had, as the law shall require.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT EMPOWERING THE SELECTMEN AND FIREWARDS OF THE TOWN OF PORTSMOUTH TO APPOINT ADDITIONAL FIRE ENGINE MEN.

[Approved June 30, 1821. Original Acts, vol. 27, p. 22; recorded Acts, vol. 22, p. 92. Session Laws, 1821, Chap. 52. Laws, 1824 ed., p. 85. See act of June 23, 1814, Laws of New Hampshire, vol. 8, p. 353. Repealed December 16, 1828, *post*.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the Selectmen and Firewards of the Town of Portsmouth be and they hereby are authorized and empowered to appoint an additional number of fire engine men to such engines in said town as in their opinion require a greater num-

ber of men than eighteen to work them, not exceeding six additional men to each such engine—and a certificate signed by a majority of the said Selectmen and Firewards shall exempt the persons so appointed from military duty in the same way and manner as is provided in the fifth section of the militia law of December A.D. 1820.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MEMBERS OF THE FRANKLIN LITERARY SOCIETY, IN NORTHFIELD.

[Approved June 30, 1821. Original Acts, vol. 27, p. 23; recorded Acts, vol. 22, p. 93. By act of July 2, 1823, *post*, the name of this society was changed to Franklin Literary Society of Sanbornton Academy.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That Obadiah Elkins Durgin, James B. Abbott, Thederick T. Orne, John P. Tilton, their associates and successors, be, and they are hereby incorporated by the name of the Franklin Literary Society; in Northfield and by that name may sue and be sued, and be known and distinguished in all their acts and proceedings; and hereby are vested with the powers and privileges which similar associations are entitled to possess and enjoy.

Sec. 2. And be it further enacted, That the said Obadiah E. Durgin may call the first meeting of said Society at any suitable time and place by giving to the members thereof at least ten days' personal notice, or by notification posted in Northfield and Sandborn-ton at the places most likely to give information to all concerned at least fifteen days before said meeting: at which the members of said Society shall choose a Librarian, and agree on the manner of calling future meetings and the time of holding their annual meetings: and at the same or at any subsequent meeting may choose all necessary officers; pass by-laws; order assessments; fix the time of payment and prescribe the manner of collecting them, and do and transact any business in relation to and for the promotion of the beneficial purposes contemplated by this association.

Sec. 3. And be it further enacted, That said Society may receive and hold by purchase, gift, or otherwise, personal estate to any amount, not exceeding one thousand dollars; and the same may expend in procuring books, maps, and whatever else may promote the advancement of science and literature, and tend to the diffusion of useful knowlege among the members thereof.

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT, TO PREVENT THE DESTRUCTION OF BEAVERS, MINKS MUSK RATS, AND OTTERS.

[Approved June 30, 1821. Original Acts, vol. 27, p. 24; recorded Acts, vol. 22, p. 95. Session Laws, 1821, Chap. 50. Laws, 1824 ed., p. 126; id., 1830 ed., p. 330. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas the fur of the beaver, mink, muskrat and otter is of great value in the manufacture of hats and for shipping when taken in the winter and early in the spring; and whereas many of these valuable animals are taken and destroyed in the summer and fall season, when their fur is unfit for hatting, and of little value for the purpose of shipping—Therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened that any person or persons who shall, at any time between the thirtieth day of May and the first day of November, in any year after the passing of this Act, by shooting trapping or otherwise, kill or destroy any beaver, mink, muskrat or otter shall forfeit and pay for every mink or muskrat so killed or destroyed within the time aforesaid one dollar, and for every otter or beaver the sum of five dollars; to be recovered with costs of suit before any justice of the Peace for the County wherein the offence was committed by any person who will sue therefor; And the forfeiture so recovered shall be for the use of the person suing for the same. And any trap that may be found set within the time aforesaid for the purpose of catching any of said Animals shall be forfeited to the person finding it—

Sec. 2. And be it further enacted, that this Act shall take effect from and after the first day of September next.

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT, FOR THE RELIEF OF PERSONS IMPRISONED FOR NEGLECT OF MILITARY DUTY.

[Approved June 30, 1821. Original Acts, vol. 27, p. 25; recorded Acts, vol. 22, p. 96. Session Laws, 1821, Chap. 51. Repealed January 2, 1829, *post.*]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that any person, who now is, or

hereafter shall be committed to prison on execution issued on a judgment rendered in any action for the neglect of military duty, and who shall have remained a prisoner for and during the term of thirty days, shall be admitted to take the oath, by law prescribed for poor debtors, and shall have the liberty of the Jail yard, and be discharged in the same way and manner as if such execution had issued on a judgment recovered in an action of debt, covenant, contract or promise.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1821, June 14.

Resolved, by the Senate and House of Representatives in General Court, Convened, that the town of Sharon, have leave to send a Representative to the General Court of this State, until the Legislature shall otherwise order.

[House Journal, 1821, vol. 1, p. 224. Senate Journal, 1821, p. 102. Original Acts, vol. 26, p. 101.]

1821, June 16.

Resolved, that the sum of eight hundred dollars, be, and the same hereby is appropriated, for the purpose of promoting the interests of agriculture & domestic manufactures, in this State, in the following manner, viz;

To the Agricultural Societies of the County of Rockingham, Strafford, Hillsborough, Cheshire and Grafton the sum of one hundred dollars each, to the agricultural society of the county of Coos fifty dollars—and to the board of Agriculture for this State the remaining sum of two hundred & fifty dollars—

And be it further resolved, that the foregoing grant to the several County societies, be made, on condition, that each County society, shall, within one year from the first day of January next, appropriate the sum granted thereto by this resolve, together with at least double the amount of said sum, for the purpose of improvements in Agriculture and domestic manufactures; And the Treasurer of the State is hereby directed to pay to the Treasurer of each County agricultural Society, the sum herein appropriated to such society, whenever the Treasurer thereof shall lodge with him a certificate under oath, that he has, within the term above specified, received of the members of the Society of which he is Treasurer, a sum at least double in amount to the appropriation herein made to such society, and that the appropriation required by this resolve, has been duly made.

And be it further resolved, that it shall be the duty of the board of Agriculture for this State to appropriate the sum herein granted them, in the following manner, to wit, in defraying the necessary expenses in

procuring and preparing materials for, and the publication of a pamphlet, agreeably to the provisions of an act, entitled, "An act to institute & provide for the organization of a board of Agriculture for this State" passed Dec^r 19.th 1820,—and the residue, if any, in such manner, as said Board may consider most conducive to the interests of Agriculture & domestic manufactures in this State.—And the Treasurer of this State is hereby directed to pay said sum of two hundred & fifty dollars to the Treasurer of said Board of Agriculture—And it shall be the duty of said Board to render to the Legislature, at the next June session, an account of the manner in which the aforesaid Sum, or any part thereof, shall have been expended.

[House Journal, 1821, vol. 1, pp. 305-309. Senate Journal, 1821, pp. 154-155. Original Acts, vol. 26, p. 102.]

1821, June 22.

Whereas Moses Foss Jun. Solomon Rowe, Enoch Colby Jr, Francis Durgin, Paul Chase, and Ebenezer Burbank have presented a petition to the Legislature, shewing that they are debtors to the State of New Hampshire in the sum of eight hundred and thirty one dollars and eighty cents, payable on the twenty ninth day of June instant, in consequence of the purchase of a certain tract of wild land, belonging to this State, known by the name of Gillis' and Foss' grant; and praying that the time of payment may be extended for the term of one year, from the said 29th day of June instant:

Therefore,

Resolved, that the time for the payment of said sum of eight hundred thirty one dollars & eighty cents, be and the same is hereby extended to the 29 day of June 1822: Provided the said petitioners shall pay or cause to be paid to the Treasurer of this State, annually, the interest which shall accrue thereon.

[Senate Journal, 1821, p. 200. Original Acts, vol. 26, p. 103.]

1821, June 25.

Resolved, that the Treasurer of this State, be authorized to sell and convey, by deed of quitclaim duly executed, to Samuel Tuttle a certain tract of land, situate in the town of Adams, containing one hundred twenty one and a half acres, agreeably to the plan accompanying the report of the Honorable Obed Hall, land agent for said State, on the eleventh day of June A.D. 1821,—Provided, the said Samuel Tuttle or any person authorized by him shall pay, or cause to be paid to the Treasurer of this State, the value of said tract of land, as appraised by said Hall, at fifty cents per acre, amounting to sixty dollars seventy five cents, and interest thereon, within one year from the passing of this resolve.

[House Journal, vol. 1, pp. 325-326. Senate Journal, 1821, p. 190. Original Acts, vol. 26, p. 104.]

1821, June 25.

Resolved, that the Treasurer of this State be authorized to sell and convey by deed of quitclaim to John Pendexter Jr., Daniel Elkins Jr., Daniel Pinkham and Joseph T. Pinkham, a certain tract or parcel of land situate in the town of Adams, in the County of Coos and State of New Hampshire, containing five hundred one acres and forty rods, agreeably to the plans accompanying the report of the Hon. Obed Hall, land agent for the State of New Hampshire, on the 11th day of June 1821— Provided the said John Pendexter Jr, Daniel Elkins Jr, Daniel Pinkham & Joseph T. Pinkham, or any person authorized by them, pay or cause to be paid to the Treasurer of this State, the value of said land, as appraised by the said Hall at twenty five cents per acre, amounting to one hundred and twenty dollars, thirty one cents and interest thereon, within two years from the passing of this resolve.

[House Journal, vol. 1, pp. 326-327. Senate Journal, 1821, p. 190. Original Acts, vol. 26, p. 105.]

1821, June 25.

Resolved, that the Treasurer of this State be authorized to sell and convey by deed of quitclaim duly executed to John Perkins a certain tract of land, situate in the Town of Adams, County of Coos and State of New Hampshire, containing sixty one Acres and forty four rods, agreeably to the plan accompanying the report of the Hon. Obed Hall, land agent for the State of New Hampshire, on the 11 day of June 1821—

Provided, the said John Perkins, or any person authorized by him, pay or cause to be paid to the Treasurer of this State, the value of said land, as appraised by the said Hall, at eighteen cents, per acre, amounting to eleven dollars and three cents, and interest thereon, within two years from the passing of this resolve.

[House Journal, 1821, vol. 1, pp. 323-324. Senate Journal, 1821, p. 190. Original Acts, vol. 26, p. 106.]

1821, June 25.

Resolved, that the Treasurer of this State be authorized to sell and convey by deed of quitclaim duly executed to Frye Holt, a certain tract of land, containing one hundred thirty three and one third acres; Also to William Eastman a certain tract of land containing one hundred thirty three and one third acres; Also to Benjamin D. Eastman a certain tract of land containing one hundred thirty three and one third acres; Also to Samuel Hayes a certain tract of land, containing two hundred acres—Also to Lemuel Twombly a certain tract of land containing two hundred acres; Also to Nathaniel Hayes a certain tract of land containing two hundred and fifty acres—all said tracts of land adjoining the town of Adams in the county of Coos & State of New Hampshire, agreeably to the plans accompanying the report of the Honorable Obed Hall, land agent for said State, on the eleventh day of June A.D. 1821.

Provided, that said Frye Holt, William Eastman, Benjamin D. Eastman, Samuel Hayes, Lemuel Twombly and Nathaniel Hayes, or any person authorized by them, shall pay or cause to be paid to the Treasurer of this State, the value of said tracts of land, as appraised by the said Hall, at twenty five Cents per acre, and interest thereon within two years from the passing of this resolve—

[House Journal, 1821, vol. 1, pp. 321-323. Senate Journal, 1821, pp. 190-191. Original Acts, vol. 26, p. 107.]

1821, June 25.

Resolved, that the Treasurer of this State, be authorized to sell and convey, by deed of quitclaim, duly executed to John Small and John G. Tuttle a certain tract of land adjoining the town of Adams, in the County of Coos and State of New Hampshire, containing four hundred acres, agreeably to the plan accompanying the report of the Honorable Obed Hall, land agent for said State, on the eleventh day of June A.D. 1821—

Provided the said John Small and John G. Tuttle, or any person authorized by them, shall pay or cause to be paid to the Treasurer of this State, the value of said tract of land, as appraised by said Hall, at twenty cents per acre, amounting to eighty dollars, and interest thereon, within two years from the passing of this resolve—

[House Journal, 1821, vol. 1, pp. 320-321. Senate Journal, 1821, p. 191. Original Acts, vol. 26, p. 108.]

1821, June 25.

Resolved, that the Justices of the Court of Sessions for the County of Rockingham be authorized, at the expense of certain petitioners of Portsmouth and Newburyport, to examine and report to the Legislature at the next session, whether the Turnpike road belonging to the Hampton Causeway Turnpike Corporation has not by the provisions of the charter of said corporation become public property; whether said corporation have violated or evaded any of the provisions of said charter; whether said corporation have assumed any rights or powers not granted to them; to make an examination into the general concerns of said corporation, and to give such notice to all concerned of the time and place of attending to said investigation as they may deem proper.

[House Journal, 1821, vol. 2, pp. 116-117. Senate Journal, 1821, p. 198. Original Acts, vol. 26, p. 109.]

1821, June 28.

Resolved by the Senate and House of Representatives in General Court convened, That the sum of one thousand dollars of any money in the Treasury of this State be and the same is hereby appropriated for the purpose of educating deaf and dumb children belonging to this State at

the Asylum in Hartford, Connecticut; which sum may be divided and applied for the benefit of such persons and in such manner as His Excellency the Governor shall think proper. And the Governor is hereby authorized by warrant on the Treasurer to draw said sum from the Treasury.

[House Journal, 1821, vol. 2, p. 306. Senate Journal, 1821, p. 262. Original Acts, vol. 26, p. 110.]

1821, June 29.

Resolved, that the Hon. Obed Hall, land agent for this State, be discharged from any farther duty after the passing of this Resolve.

[House Journal, 1821, vol. 2, p. 308. Senate Journal, 1821, p. 294. Original Acts, vol. 26, p. 111.]

1821, June 30.

Resolved, That John Johnson be and he hereby is appointed to superintend the State House, lot and the fences surrounding said lot, until the next June session of the Legislature, whose duty it shall be to keep the house clean at all times, to air it as often as necessary by opening the windows; to keep all the rooms locked except the Treasurer's and Secretary's rooms; and the Adjutant General's office, to keep open the avenues, and see that no damage is done to any part of said house, yard or fence. And he is hereby authorized and directed to prosecute in behalf of the State any person who may injure said House, yard or fence; and to purchase and provide all necessary articles suitable for the accommodation of the Legislature at their next session; for all which service he shall be entitled to the sum of forty dollars.

[House Journal, 1821, vol. 2, pp. 380-381. Senate Journal, 1821, pp. 312-313. Original Acts, vol. 26, p. 112.]

[THIRTY-FIRST GENERAL COURT.]

[*Held at Concord, One Session, June 5, 1822, to July 4, 1822.*]

[OFFICERS OF THE GOVERNMENT.]

SAMUEL BELL, GOVERNOR.

SAMUEL SPARHAWK, SECRETARY.

RICHARD BARTLETT, DEPUTY SECRETARY.

WILLIAM PICKERING, TREASURER.

JONATHAN HARVEY, PRESIDENT OF THE SENATE.

CHARLES WOODMAN, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Hunking Penhallow,	Portsmouth.
Richard Odell,	Conway.
Richard H. Ayer,	Hooksett.
Elijah Belding,	Swansey.
Ezra Bartlett,	Haverhill.

[MEMBERS OF THE SENATE.]

Langley Boardman,	Portsmouth.
John Kimball,	Exeter.
Hezekiah D. Buzzell,	Weare.
Isaac Hill,	Concord.
Nehemiah Eastman,	Farmington.
Daniel Hoit,	Sandwich.
John Wallace, Jr.,	Milford.
Jonathan Harvey,	Sutton.
Jotham Lord, Jr.,	Westmoreland.
James H. Bingham,	Alstead.
Ziba Huntington,	Lebanon.
Arthur Livermore,	Holderness.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Allenstown,	Andrew O. Evans.
Atkinson and)	
Plaistow,)	Henry Tucker.
Bow,	John Brown.
Brentwood,	Andrew Dudley.
Candia,	Moses Bean.
Canterbury,	Richard Greenough.

Chester,	Samuel Aiken, Jr.
Chichester,	William Moore.
Concord,	David M. Carpenter.
	Stephen Ambrose.
Deerfield,	Samuel Morrill.
	John S. Jenness.
Epsom,	Andrew Page.
Epping,	Richard Tripp.
Exeter,	Joseph Edgerly.
	Joseph Tilton, Jr.
	William Smith, Jr.
Hampstead,	Jesse Gordon.
Hampton,	Edmund Toppan.
Hawke and }	Samuel Pillsbury.
Sandown, }	Robert Prescott.
Kensington,	Daniel Peaslee.
Kingston,	John H. Miltimore.
Londonderry,	Robert Patterson.
	Jonathan Clough.
Loudon,	William P. Prescott.
Newcastle,	Paul Rawlings.
Newington,	Arthur Branscomb.
Newmarket,	John Bartlett.
Newton,	Joseph Neally.
Northwood,	Henry Butler.
Nottingham,	Nehemiah Butler.
Pelham,	Boswell Stevens.
Pembroke,	Tristram Dalton.
North Hampton,	James Cochran.
Northfield,	Ebenezer Knowlton.
Pittsfield,	John Scribner.
Poplin,	John Bowles.
Portsmouth,	David C. Foster.
	Estwicke Evans.
	John N. Sherburne.
Raymond,	Thomas Dearborn.
Rye,	Jonathan Philbrick.
Salem,	John Clindenin.
Seabrook,	George Janvrin.
South Hampton and }	Ephraim Fitts.
East Kingston, }	Daniel Veasey.
Stratham,	Jonathan Parker.
Windham,	

STRAFFORD COUNTY.

Alton,	Stephen Davis.
Barnstead,	William Walker, Jr.
Barrington,	David Winkley.
Conway,	David Webster.
Dover,	Nathaniel W. Ela.
	Charles Woodman.
Durham,	Benjamin Mathes, Jr.
Eaton,	Daniel Lary.
Effingham,	James Leavitt.
Farmington,	Thomas Plumer.
Gilford,	Dudley Ladd.
Gilmanton,	Pearson Cogswell.
	Jeremiah Wilson.
Lee,	Edward B. Neally.
Madbury,	Maul Hanson.
Meredith,	John Durkee.
	Ebenezer Pitman.
Middleton and }	
Brookfield, }	John Chadwick.
Milton,	Levi Jones.
Moultonborough,	Ezekiel Hoit.
New Durham,	Joseph Boodey.
New Hampton and }	
Center Harbor, }	Thomas Perkins.
Ossipee,	Ezekiel Wentworth.
Rochester,	William Barker.
	Moses Hale.
Sanbornton,	James Clark.
	Joseph Woodman.
Sandwich,	Neal McGaffrey.
	Johnson D. Quimby.
Somersworth,	Joseph Doe.
Strafford,	Job Otis.
	Tobias Roberts.
Tamworth,	Ford Whitman.
Tuftonborough,	Thomas Hoit.
Wakefield,	Richard Russell.
Welfeborough,	Samuel Fox.

HILLSBOROUGH COUNTY.

Amherst,	Edmund Parker.
Andover,	Samuel Brown.
Antrim,	Amos Parmenter.
Bedford,	Phinehas Aiken.

Boscawen,	Ezekiel Webster.
Bradford,	Samuel Jones.
Brookline,	Thomas Bennett.
Deering,	Russell Tubbs.
Dunbarton,	John Stinson.
Dunstable,	Jesse Bowers.
Fishersfield,	Elijah Peaslee.
Francestown,	Titus Brown.
Goffstown,	Robert Hall.
Greenfield,	William Whittemore.
Hancock,	Andrew Wallace.
Henniker,	Artemas Rogers.
Hillsborough,	Andrew Sargent.
Hollis,	Ralph W. Jewett.
Hopkinton,	Abraham Brown.
	Thomas W. Colby.
Litchfield,	Jonathan Abbot.
Lyndeborough,	Nehemiah Boutwell.
Manchester,	Frederick G. Stark.
Mason,	Josiah Russell.
Merrimack,	Aaron Gage, Jr.
Milford,	William Crosby.
Mont Vernon,	John Bruce.
New Boston,	Joseph Cochran, Jr.
New Ipswich,	Charles Barrett.
New London,	Daniel Woodbury.
Nottingham West,	Caleb S. Ford.
Peterborough,	Jonathan Smith.
Salisbury,	Samuel C. Bartlett.
Sharon,	Samuel Ryan.
Society Land,	John Dodge.
Sutton,	Thomas Wadleigh.
Temple,	Jesse Spofford.
Warner,	James Bean.
	Benjamin Evans.
Weare,	Abraham Morrill.
	James Wallace.
Wilmot,	Jabez Youngman.
Wilton,	John Stevens.

CHESHIRE COUNTY.

Acworth,	Elisha Parks.
Alstead,	Azel Hatch.
Charlestown,	Enos Stevens.
Chesterfield,	John Kneeland.
Claremont,	Rufus Handerson.

Cornish,	John Smith.
Croydon,	Eleazer Jackson, Jr.
Dublin,	Obed Metcalf.
Fitzwilliam,	Joseph Appleton.
Grantham,	Levi Chamberlain.
Hinsdale,	Charles Gleason.
Jaffrey,	Obed Slate.
Keene,	Oliver Prescott.
Langdon,	Foster Alexander.
Lempster,	Samuel Egerton.
Marlborough,	John Way.
Marlow,	Joseph Frost.
Nelson,	Wells Way.
Newport,	Henry Melville.
Plainfield,	James Breck.
Richmond,	Merrill Colby.
Rindge,	Joseph Weeks.
Roxbury,	Samuel L. Wilder.
Springfield,	Samuel Griffin.
Stoddard,	John Quimby.
Sullivan,	Danforth Taylor.
Surry and {	Josiah Seward.
Gilsum, }	Sylvester Smith.
Swanzey,	James Underwood.
Troy,	Daniel Cutting.
Unity,	Francis Chase.
Walpole,	Daniel W. Bisco.
Washington,	Abraham B. Story.
Wendell and {	Thomas Pike.
Goshen, }	Simeon Cobb, 2d.
Westmoreland,	Elijah Alexander.
Winchester,	

GRAFTON COUNTY.

Alexandria and {	Stephen Gale.
Danbury, }	Abram Thomas.
Bath,	Ebenezer Rix.
Bethlehem,	Humphrey Webster.
Bridgewater,	Walter Sleeper.
Bristol,	Moses Baker.
Campton,	Simon Oakes.
Concord (Lisbon),	Ebenezer Gregg.
Dorchester,	John Jones.
Enfield,	

Grafton,	Daniel Bartlett.
Groton and {	William Caldwell.
Hebron, }	Elijah Miller.
Hanover,	James Poole.
Haverhill,	John L. Corliss.
Holderness,	Walter Blair.
Landaff,	Joseph Atwood.
Lebanon,	Diarca Allen.
Lincoln,	David Aldrich, 2d.
Littleton,	Nathaniel Rix, Jr.
Lyman,	Pearley Mason.
Lyme,	Nathaniel Lambert.
New Chester,	Daniel Favor.
Orford,	Samuel Morey.
Peeling,	Thomas Vincent, Jr.
Piermont,	Richard Jenness.
Plymouth,	Samuel C. Webster.
Rumney,	Thomas Blodget, Jr.
Thornton,	Enoch Colby, Jr.
Warren,	Amos Tarleton.
Wentworth,	Caleb Keith.

COOS COUNTY.

Adams,	Stephen Meserve.
Chatham,	Luther Richardson.
Columbia,	Lewis Loomis.
Jefferson,	Frederick Ingalls.
Lancaster,	Adino N. Brackett.
Northumberland,	John M. Tillotson.

[*First Session, Held at Concord, June 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, July 1, 2, 3, 4, 1822.*]

[CHAPTER 1.]

State of)
New Hampshire.)

AN ACT TO INCORPORATE ENOCH G PARROTT, JACOB CUTTER, CHARLES COFFIN, ALEXANDER LADD, AND SAMUEL LORD, AND OTHERS, INTO A COMPANY BY THE NAME OF THE PORTSMOUTH INSURANCE COMPANY.

[Approved June 14, 1822. Original Acts, vol. 27, p. 26; recorded Acts, vol. 22, p. 97. See acts of June 19, 1810, Laws of New Hampshire, vol. 7, p. 871, and June 24, 1863, Session Laws, 1863, Chapter 2814.]

Section First

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Enoch G Parrott, Jacob Cutter, Charles Coffin, Alexander Ladd, and Samuel Lord, and others, and all such Persons as have already or shall hereafter become Stockholders in the said Company, be, and hereby are incorporated into a Company and Body Politic, by the name of the Portsmouth Insurance Company, for and during the term of Twenty Years, after the passing of this Act, and by that name may sue, and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and have a common Seal, which they may alter at pleasure, and may purchase, hold, and convey any Estate, Real or Personal, for the use of said Company, subject to the restrictions herein after mentioned.

Section Second

And be it further enacted, That the Capital Stock of the said Company, shall be divided into Shares of One Hundred Dollars each, which shall be paid into said Company in manner provided in the tenth Section of this Act; and the whole number of Shares shall be One Thousand, and the whole Capital, Stock, Estate, and Property, which the said Company shall be authorized to hold, shall never exceed One hundred Thousand Dollars, exclusive of Premium Notes, and Profits arising from the business of said Company; of which Capital Stock, not more than Six Thousand Dollars shall at any time be invested in Real Estate.

Section Third

And be it further enacted, That the Stock, Property, Affairs, and concerns of said Company, shall be managed and conducted by Seven Directors, one of whom shall be President thereof, who shall hold their Office's for One Year, and until others are chosen, and no longer; and who shall at the time of their election, be Stockholders, and Citizens of this State, and shall be elected on the first Monday of August in each and every Year, at such time of the day, and at such a place in the Town of Portsmouth as a majority of the Directors for the time being shall appoint; of which election public notice shall be given in a Newspaper printed in the Town of Portsmouth, and continued for the space of two weeks immediately preceding such election; and the election shall be holden under the inspection of two Stockholders, not being Directors, (to be appointed by the meeting) and the election shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one vote to each Share in the Capital Stock; provided that no Stockholder shall be allowed more than Thirty Votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe, and if through any unavoidable accident, the said Directors should not be chosen on the first Monday of August, as aforesaid, or at an adjournment of said meeting, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Section Fourth

And be it further enacted, That the Directors when chosen, shall meet as soon as may be after every election, and shall choose out of their own body, one Person to be President, who shall give Bonds for a sum not less than Five Thousand Dollars, for the faithful discharge of the duties of his office, and who shall preside for one Year, and until another is chosen; and in case of Death, resignation, or inability to serve of the President, or any Director, such vacancy or vacancies shall be filled for the remainder of the Year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections for Directors.

Section Fifth

And be it further enacted, That the President and three of the Directors, or Four of the Directors in the absence of the President, shall be a board competent for the transaction of business: and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such Bye Laws, Rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate, and Effects, of said Company, and touching the duties and conduct,

of the several Officers, Clerks, and Servants employed, and all such matters as appertain to the business of Insurance; and shall also have power to appoint Clerks and Servants for carrying on the said business, and with such Salaries, and allowances to them and to the President, as to the said Board shall seem meet; Provided such ByeLaws, Rules, and regulations, shall not be repugnant to the Constitution or Laws of this State.

Section Sixth

And be it further enacted, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and board of Directors shall deem proper; and the President and two of the Directors to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of Directors, or the Committee aforesaid, at and during the pleasure of said board, shall have power and authority on behalf of the Company, to make Insurance on Vessels, Freight, Money, Goods, and Effects, and against Captivity of Persons, and on the Life of any Person, and in cases of Moneys lent upon Bottomry and Respondentia, and to fix the Premiums, and terms of payment. And all Policies of Insurance by them made, shall be subscribed by the President, and one of the Committee of the Directors aforesaid; or in case of the Death, Sickness, inability, or absence of the President, by any two of the Directors, and shall be binding and obligatory upon the said Company, and have the like effect and force, as if under the Seal of said Company; and all Losses duly arising under any Policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the Company.

Section Seventh

And be it further enacted, That the Directors shall have power to loan any portion of their Capital Stock, not exceeding one half, on Respondentia or Bottomry. Provided also, that the sum" loaned on any one Bottom, at any one time, including the sum Insured in any other way upon the same Bottom, shall not exceed Ten per Cent of the Capital Stock; nor shall the same be loaned but with the consent of at least five of the Directors, and such Loans shall be entered at large in the records of the Company, and signed by the Directors consenting thereto.

Section Eighth

And be it further enacted, That it shall be the duty of the Directors on the first Monday of April and October in every Year, to examine the Books, Stock, and Property of the said Company, and to enter their report of such examination at large on the records of

the Company. And on the second Monday of October and April in every Year, to make Dividends of so much of the Interest arising from their Capital Stock, and the Profits of said Company, as to them shall appear advisable; but the monies received and Notes taken for Premiums on risks which shall be undetermined, and unexpired, at the time of making such Dividends, shall not be considered as part of the Profits of the Company; and in case of any Loss or Losses, whereby the Capital Stock of the Company shall be lessened before all the instalments are paid in, each Proprietor or Stockholders' Estate shall be held accountable for the instalments that may remain unpaid on his Share or Shares at the time of such Loss or Losses taking place, and no subsequent Dividend shall be made, until a sum arising from the Profits of the business of the Company, equal to such diminution, shall have been added to the Capital. And that once in every three Years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the Profits, if any there be, after deducting Losses and Dividends.

Section Ninth

And be it further enacted, That the said Company shall not directly or indirectly deal or trade in buying or selling any Goods, Wares, merchandize, or commodities whatsoever, except such as may have been abandoned to them, or may grow out of their Contracts for Insurance. And the Capital Stock of said Company shall be invested either in the funded debt of the United States, or of this State, in the Stock of the United States Bank, or of any Bank or Company Incorporated by this State; or by Notes secured by a pledge of any or either of the foregoing Stocks, or by Loans on Respondentia and Bottomry as provided in the Seventh Section of this act: or in Real Estate to an amount not exceeding Six Thousand Dollars; in either or all of them, and in such proportions as may be for the Interest of said Company, and they shall have power to sell, transfer, exchange, and reinvest the same, at the discretion of the President and Directors of said Company, or of such other Person or Persons as said Stockholders shall for such purpose at any meeting appoint.

Section Tenth

And be it further enacted, That Fifty Dollars on each Share in said Company, shall be paid, or secured by pledge of any or either of the Stocks authorized in the ninth Section of this Act, within twenty days after the meeting of said Company, And the remaining sum of Fifty dollars on each Share, shall be paid or secured, at such times, in such manner, at such equal instalments, and under such penalties, as the Directors of said Company shall direct. And

no transfer of any Share shall be permitted, or be valid, until the amount of One Hundred Dollars on such Share shall have been paid in or secured.

Section Eleventh

And be it further enacted, That Certificate of Shares in the Capital Stock of said Company, shall be issued to each Proprietor, bearing the Seal of the Company, and signed by the President and three of the Directors, or in the absence of the President, by four of the Directors. And no transfer thereof shall be valid, until any and every claim of said Company on the Proprietor, shall have been paid or satisfied; the transfer of the Stock recorded on the Books of the Company, and the old Certificate given up and cancelled.

Section Twelfth.

And be it further enacted, That the said Company shall have power to hire any sum or sums of money, not exceeding in the whole amount Thirty five per cent of their Capital Stock. And any Note or Bond, signed by the President and four of the Directors, or in the absence of the President by five of the Directors, shall be binding on the Company. and it shall be the duty of the Directors to have their vote, authorizing such loan or loans to be entered on the records of the Company and signed by at least five of the Directors.

Section Thirteenth.

And be it further enacted, That the Property of any member of said Company, vested in the Stock of said Company, with the Dividend or Dividends due thereon, when together exceeding the amount of any claim the said Company may have on the said Proprietor, shall be liable to attachment and execution, in favour of any *bona fide* Creditor, in manner following, to wit, whenever a proper Officer, having a writ of attachment, or execution against any such member shall apply with such writ or execution to the President, or acting officer of said Company, it shall be the duty of said President to expose the Books of the Corporation to such Officer, and furnish him with a certificate, under his hand, in his Official capacity, ascertaining the number of Shares the said member holds in said Company, with the amount of the Dividend or Dividends due thereon, and the amount of claim, if any, said Company may have on said member; and when any Share or Shares shall be attached on mesne process, or taken in execution, an attested Copy of such writ of attachment or execution, shall be left with the said President, and such Share or Shares may be sold on execution after the same notification of the time and place of sale, and in the same mode of sale as other Personal Property, and it shall be the duty of the Officer, making such sale, within ten days thereafter to have an at-

tested Copy of the execution, with his return thereon with the President of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the Dividends which shall have accrued thereon after the taking in execution aforesaid.

Section Fourteenth

And be it further enacted, That in case of any Loss or Losses taking place, that shall be equal to the amount of the Capital Stock of the said Company, and the President or Directors, after knowing of such Loss or Losses taking place, shall subscribe to any, Policy of Insurance, their Estates, jointly and severally shall be accountable for the amount of any and every Loss that shall take place under Policies so subscribed.

Section Fifteenth

And be it further enacted, That the said Company shall be allowed to take on any one risk, any sum, not exceeding in amount Ten per Centum of their Capital Stock.

Section Sixteenth

And be it further enacted, That the Persons named in the first Section of This Act, or a majority of them, are hereby authorized to receive subscriptions to the Capital Stock of said Company, and to prescribe the manner and time in which the first instalment shall be paid in and secured. And also to call a meeting of said Company, as soon as may be after said subscription has been filled, by advertizing the same in two newspapers printed in the Town of Portsmouth for the purpose of their electing a first board of Directors to continue in Office, until the first Monday of August next ensuing.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT, IN ADDITION TO
“AN ACT AUTHORISING THE TOWN OF BARTLETT TO ERECT AND
KEEP IN REPAIR A BRIDGE OVER SACO RIVER” PASSED DECEMBER
THIRTEENTH EIGHTEEN HUNDRED AND SIXTEEN—

[Approved June 14, 1822. Original Acts, vol. 27, p. 27; recorded Acts, vol. 22, p. 106. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 547. See acts of June 22, 1819, id., p. 777; July 1, 1837, Session Laws, 1837, Chap. 362, and June 24, 1839, id., 1839, Private Acts, Chap. 8.]

Whereas the term heretofore allowed for finishing and completing said Bridge has been found insufficient for the purpose—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that a further term of two years from the thirteenth day of December A.D. eighteen hundred and twenty one, be granted to said Town of Bartlett for erecting and completing said Bridge, and that every part of the Act aforesaid, not inconsistent with this Act—be & remain in as full force as if the full period from the passing of the Act, to which this is in addition had been originally limited for erecting and completing said Bridge—

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE WEBB CHAPTER OF ROYAL ARCH MASONS
NUMBER SIX.

[Approved June 14, 1822. Original Acts, vol. 27, p. 28; recorded Acts, vol. 22, p. 107.]

Sec. 1.—Be it enacted by the Senate and House of Representatives, in General Court convened, that Jonathan Nye, Godfrey Stevens, Silas H. Sabin, and Nathan Bingham and their associates and successors be and hereby are created a corporation by the name of “Webb Chapter of Royal Arch Masons No. 6.”, with power to take and hold real and personal estate not exceeding three thousand dollars in value, and with all other powers and rights of similar corporations.

Sec. 2. And be it further enacted, that Jonathan Nye, Godfrey Stevens and Silas H. Sabin or any two of them shall call the first meeting of said corporation at such time and place as they may designate by giving public notice thereof fifteen days prior to the time of meeting and at the same or any subsequent meeting said corporation may elect officers, and make any by-laws not repugnant to the laws of the State.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ST. PAULS LODGE NO. 30.

[Approved June 14, 1822. Original Acts, vol. 27, p. 29; recorded Acts, vol. 22, p. 108. See act of July 3, 1867, Session Laws, 1867, Chap. 111.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened; that, John Wakefield, Eber Carpenter, Cyrus Field, James Chandler, and their associates shall

be and hereby are erected and made a Corporation and body politic, by the name of St. Pauls Lodge No. 30, and by that name may sue and be sued, plead and be impleaded, defend and be defended, to final judgment and execution; and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers incident to Corporations of a similar nature, and may have hold and enjoy, real and personal estate, not exceeding in amount the sum of two thousand dollars.

Sec 2. And be it further enacted that John Wakefield, Eber Carpenter and Cyrus Field or any two of them may call a meeting of said Corporation, to be holden at Alstead in the County of Cheshire; at such time as they shall think expedient, by advertisement in the New Hampshire Sentinel printed at Keene,—fifteen days previous to the time of meeting; at which meeting the members of said Corporation by a vote of the majority of those present, shall choose such officers, and enact such byelaws, as they may think proper for the regulation and government of said Corporation. Provided said byelaws are not repugnant to the Constitution and Laws of this State.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE MASON COTTON FACTORY.

[Approved June 14, 1822. Original Acts, vol. 27, p. 30; recorded Acts, vol. 22, p. 109.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Henry Isaacs, Silas Bullard, Roger Chandler, John Chandler, James Taft, Moses Prichard, their associates, successors and assigns, be, and they hereby are incorporated, and made a body politic by the name of the Proprietors of the Mason Cotton Factory; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in their acts and proceedings, and in all cases whatever: and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That said Corporation be and hereby is authorized to carry on the manufacture of Cotton Goods and such other business as shall be necessarily connected therewith at Mason in the county of Hillsborough, and may erect such mills, mildams, buildings and machinery, as may be necessary and convenient for conducting and carrying on those useful manufactures.

Sec. 3. And be it further enacted, That said Corporation may

purchase and hold such real and personal estate as may be necessary or useful in conducting the business aforesaid, and for the convenient management thereof, upon the present, or a more enlarged scale, not exceeding fifty thousand dollars; and the same may sell and dispose of at pleasure.

Sec. 4. And be it further enacted, That the said Henry Isaacs may call the first meeting of said proprietors to be holden at any suitable time and place by advertisement in either of the newspapers printed at Amherst, twenty days at least previous thereto, or by giving at least ten days' personal notice of the time and place of meeting: at which the said proprietors may agree on the method of calling future meetings; and at the same, or at any subsequent meeting duly notified and holden, may choose a clerk and all other necessary officers for conducting the affairs of said corporation; may divide their capital or joint stock into such number of shares as they may deem proper; may agree upon the method of transferring them; may order assessments and fix the time of their payment; may pass such by-laws as they may deem proper for their regulation and government, not repugnant to the laws of the State, and do and transact any business necessary for carrying into effect the objects of their association.

All questions at any meeting shall be determined by a majority of votes present or represented, accounting and allowing one vote to each share; and absent members may vote by proxy, being authorized in writing signed by the person represented

Sec. 5. And be it further enacted, That the share or shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the nonpayment thereof within the time fixed for their payment, the said shares may be sold at publick auction, or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as said Corporation may in its by-laws prescribe.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT TO INCORPORATE
THE NEW HAMPSHIRE FIRE AND MARINE INSURANCE COMPANY.

[Approved June 14, 1822. Original Acts, vol. 27, p. 31; recorded Acts, vol. 22, p. 112. See act referred to dated June 10, 1803, Laws of New Hampshire, vol. 7, p. 138.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that so much of the first section of the act passed on the tenth day of June in the year of our Lord

1803, entitled an act to incorporate the New Hampshire Fire and Marine Insurance Company, as limits the duration of said corporation to the term of twenty years from the passing of said act, be, and the same hereby is repealed.

Sec. 2. And be it further enacted that the said New Hampshire Fire and Marine Insurance Company be, and continue a body politic and corporate, with all its present powers and liabilities, until the tenth day of June which will be in the year of our Lord 1825.

Sec. 3. Provided however, and be it further enacted that it shall not be lawful for said New Hampshire Fire and Marine Insurance Company to make insurance upon any vessels, goods, or freight, houses or buildings after the 10th day of June in the year of our Lord 1823.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE EXETER BANK", APPROVED DECEMBER 19TH 1803.

[Approved June 14, 1822. Original Acts, vol. 27, p. 32; recorded Acts, vol. 22, p. 113. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 183. See acts of July 3, 1847, Session Laws, 1847, Chap. 583; July 14, 1855, id., 1855, Chap. 1750, and June 27, 1857, id., 1857, Chap. 2034.]

Section 1. Be it enacted by the Senate and House of Representatives in General court convened, That the said act entitled an act to incorporate sundry persons by the name of the President, Directors, and company of the Exeter bank shall remain and continue to be in force for and during the term of twenty years from and after the first day of January in the year of our Lord one thousand eight hundred and twenty four, during which term the said corporation shall continue, and shall have and enjoy all the rights, privileges and immunities granted to it by said act, which are not inconsistent with this act, and shall be subject to all the liabilities mentioned and provided in and by said act not inconsistent with the provisions of this act.

Sec. 2. And be it further enacted, That the said corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said bank. And in case any cashier, director or other officer of said bank at any time shall knowingly issue, or order, direct or cause to be issued and put in circulation bills, notes or obligations of said bank, which together with those before issued and then

in circulation shall exceed the amount of the capital stock of said bank as aforesaid such cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars and not less than one thousand dollars.

Sec. 3. And be it further enacted, That dividends may be made semiannually among the stockholders of said bank of interest or profits actually received, but no part of the capital stock of said bank shall either before or after the expiration of the time limited by this act for the continuance of said corporation be divided among or paid to the stockholders without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said bank, to make a division of the capital stock among themselves, and thereby dissolve said corporation.

Sec. 4. And be it further enacted, that the capital stock of said bank shall for the purposes of this act be taken and deemed to be one hundred thousand dollars, being the amount of sums actually paid into said bank by the stockholders, and now composing the capital stock thereof. And in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the bank or other means whatever, it shall be the duty of the Directors in their next annual return of the condition of the said bank by law required to be made to the Governor and council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution no dividend of interest or profit shall be made untill such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriations therefor of the interest and profits actually received. Provided nevertheless, that the capital stock of said bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation, and such payments shall thereupon be added to said one hundred thousand dollars, and the amount of both sums shall constitute the capital stock.

Sec. 5. And be it further enacted, That the Legislature shall at all times have the right by any persons duly appointed for that purpose to examine into the state, condition and all the doings and transactions of said corporation, and of its officers relating to the same; for which purpose all the books and papers of the corporation, together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such

persons so to be appointed; and each officer of said corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said bank.

Sec. 6. And be it further enacted, that all penalties incurred under this act may be recovered by information or suit in the name of the State.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
MILTON SOCIAL LIBRARY—

[Approved June 14, 1822. Original Acts, vol. 27, p. 33; recorded Acts, vol. 22, p. 117.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Gilman Jewett, Stephen Drew, David Wentworth, John Scates, Isaac Worster, Josiah Witham, Charles Ricker, Samuel Blaisdell, Hanson Hayes, and their associates proprietors of said Library and all who may hereafter become proprietors of the same be, and they hereby are incorporated into, and made a body politic and corporate, by the name and Style of the Milton Social Library with continuance and succession forever; and in that name may sue and be sued, prosecute and defend to final Judgment and execution, and are hereby vested with all the powers and privileges of Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence, to be recovered by action of debt to their use in any court of competent Jurisdiction; and may purchase and receive subscriptions, grants and donations of personal property not exceeding the sum of one thousand dollars for the use of their association—

Sec. 2. And be it further enacted that said proprietors be and hereby are authorized and empowered to meet at Milton aforesaid on the first Saturday of October annually, to choose all such officers as may be found necessary for the orderly conducting of the affairs of said association, who shall continue in office until others are chosen in their room—And the said corporation may convene as often as may be found necessary for the filling up of any vacancies that may happen in said *officers*, and for transacting all other business for the benefit of said corporation except the raising of money, which shall be done at the annual meeting and at no other time, at which annual meeting they shall vote all such sums as shall be necessary to defray the annual expense of preserving said Library, and for enlarging the same; and may make and establish a constitution,

rules and bye laws for the government of said corporation, provided the same be not repugnant to the constitution and laws of this State—

Sec 3. And be it further enacted that Gilman Jewett before named be, and he hereby is authorized and empowered to call the first meeting of said proprietors at such time and place as may be Judged proper in said town of Milton by posting up a notification of the same at the Meeting house in said town, and at some other public place therein, at least fifteen days before the time of holding said meeting, and the said Gilman Jewett may preside in said meeting until a Moderator be chosen; and the proprietors at said meeting shall have all the power and authority to establish such bye laws, and choose all such officers as they may or can do by virtue of this act at their annual meeting

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE SALMON FALLS MANUFACTURING COMPANY.

[Approved June 17, 1822. Original Acts, vol. 27, p. 34; recorded Acts, vol. 22, p. 120. See act of July 9, 1846, Session Laws, 1846, Chap. 445.]

Section 1.—Be it enacted by the Senate and House of Representatives, in General Court convened, that James Rundlett and such other persons as shall associate with him, and their successors and assigns shall be and hereby are constituted and made a corporation by the name of the Salmon Falls Manufacturing Company and by that name may sue and be sued, prosecute and defend to final judgment and execution; and may have and use a common seal and the same alter and renew at pleasure, and also may make, ordain and put in execution such by-laws and regulations (not being Contrary to the constitution & laws of this State) as shall be necessary, proper and convenient for the government of said corporation and the due management of its concerns, and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, that the said corporation be and the same is hereby empowered to carry on the manufactures of Woolen, Cotton and other goods at Salmon Falls River and also such branches of manufacture and trade as can be conveniently carried on by said corporation, and to purchase, take and hold real and personal estate of what kind or nature soever, to an amount not exceeding five hundred thousand dollars, and the same to sell and

dispose of at pleasure; and to erect on the real estate to be purchased and held such dams, mills, works, machines and buildings as shall be deemed necessary or useful in carrying on the manufactures, and conducting the business of the corporation.

Section 3. And be it further enacted, that the said James Rundlett may call the first meeting of the members of said corporation by giving ten days previous notice by advertisement in some newspaper published in the town of Portsmouth, at which meeting a Clerk shall be chosen, who shall be sworn faithfully to discharge the duties of his office, whose duty it shall be to record the proceedings and doings of said corporation, and to perform such other services as the by-laws may require, and at the same or any subsequent meeting duly holden the said members may prescribe and agree on the manner of calling and holding future meetings; may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the mode or manner in which the shares shall be held and how the same shall be transferred; may make or provide for the making of assessments on the shares from time to time as occasion may require and fix the time for the payment of the same; may appoint and constitute such officers, servants and agents of the said corporation as they shall think necessary, and prescribe their respective duties, and may do or transact any matter or thing relating to the property, business or concerns of the said corporation.

Section 4. And be it further enacted, that at all meetings of the members of said corporation duly notified and holden each member shall be entitled to cast one vote for each share that he may be the owner and holder of in said corporation, on all questions that may come before such meetings, and absent members may be represented and vote at such meetings by an agent for that purpose duly authorized by writing signed by the member or members to be represented, which writing shall be filed with the Clerk of said Corporation and at such meetings all questions shall be decided by a majority of the votes cast, provided however that in the assessment of taxes on the shares in said corporation three fourths of the votes cast shall be required to make such assessment binding on the members of said corporation.

Section 5.—And be it further enacted that the shares in the capital or joint stock of the corporation shall be liable and holden for the payment of all assessments legally made thereon, and in case of neglect of any member to pay the assessments on his share or shares the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments, may be sold or transferred for the payment of the same in such manner or way as shall be prescribed by the by-laws or regulations of said corporation—

[CHAPTER 10.]

State of {
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE SOUHEGAN FACTORY.

[Approved June 24, 1822. Original Acts, vol. 27, p. 35; recorded Acts, vol. 22, p. 123.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That James W. Bliss, Asa Prichard, Charles Barrett, their associates, successors and assigns, be, and they hereby are incorporated and made a body politic by the name of The Proprietors of the Souhegan Factory; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in their acts and proceedings, and in all cases whatever; and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That said Corporation be and hereby is authorized to carry on the manufacture of Cotton or Woollen Goods, and such other branches of business as shall be necessarily or conveniently connected therewith, at New-Ipswich in the County of Hillsborough, and may erect such mills, mill-dams, buildings and machinery as may be necessary or convenient for conducting and carrying on those useful manufactures.

Sec. 3. And be it further enacted, That said Corporation may purchase and hold such real and personal estate as may be necessary or useful in conducting the business aforesaid, and for the convenient management thereof upon the present or a more enlarged scale, not exceeding two hundred thousand dollars; and the same may sell, alienate and dispose of at pleasure.

Sec. 4. And be it further enacted, That either of the persons above named may call the first meeting of said proprietors, to be holden at any suitable time and place, by advertisement in either of the newspapers printed at Amherst, twenty days at least previous thereto, or by giving at least ten days' personal notice of the time and place of meeting:—At which the said proprietors may agree on the method of calling future meetings; and at the same or at any subsequent meeting duly notified and holden, they may choose a clerk and all other necessary officers for conducting the concerns of said Corporation:—may divide their capital or joint stock into such number of shares as they may deem proper, and agree upon the method of transferring them;—may order assess-

ments, and fix the time of their payment;—may pass such by-laws, not repugnant to the laws of the State, as they may deem proper for their regulation and government, and do and transact any business necessary for carrying into effect the objects of their association. All questions shall be determined by a majority of votes present or represented at any meeting, accounting and allowing one vote to each share in all cases, except the raising of money, which shall require three fourths of the whole number of votes present; and absent members may vote by proxy, being authorized in writing signed by the person represented.

Sec. 5. And be it further enacted, That the share or shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the non-payment thereof within the time fixed for their payment, the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as said Corporation may in its by-laws prescribe.

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO DIVIDE THE SECOND REGIMENT OF MILITIA IN THIS STATE.

[Approved June 26, 1822. Original Acts, vol. 27, p. 36; recorded Acts, vol. 22, p. 126. Session Laws, 1822, Chap. 11, Laws, 1824 ed., p. 86. Repealed by act of January 2, 1829, *post.*]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the companies in the towns of Dover and Somersworth shall constitute the Second Regiment—And the companies in the towns of Rochester, Farmington and Milton shall constitute the thirty ninth Regiment.

Sec. 2. And be it further enacted that the thirty ninth regiment shall be annexed to the second Brigade

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO CONFIRM AND ESTABLISH THE WESTERLY BOUNDARY LINE
 OF THE TOWN OF SEABROOK.

[Approved June 26, 1822. Original Acts, vol. 27, p. 37; recorded Acts, vol. 22, p. 127. Session Laws, 1822, Chap. 12.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the line between the towns of Kensington and Seabrook and the line as determined and extended by an act of the legislature passed December fourth one thousand seven hundred and forty two for taking off part of the town of South-Hampton and annexing the same to Hamptonfalls; and the same line extended in the same direction, being south four degrees west, to the present line between this state and the Commonwealth of Massachusetts, shall hereafter be the westerly boundary of the town of Seabrook, and all the lands, non-resident as well as resident, and the waters lying easterly thereof to the sea, shall belong to the town of Seabrook for the purpose of taxation and jurisdiction and to all other legal and constitutional intents and purposes whatever;—Provided, however, that any part thereof, which is now the publick property of the town of South Hampton, shall be exempt from taxation so long as the same shall belong to that corporation.

Sect. 2. And be it further enacted, that thirty cents shall be taken from the proportion of publick taxes established for the town of South Hampton and be added to the proportion of the town of Seabrook, & that the Treasurer shall issue his warrants accordingly until a new proportion of taxes be established.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE
 CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE
 WASHINGTON LIBRARY PASSED JUNE 29, 1821.

[Approved June 27, 1822. Original Acts, vol. 27, p. 38; recorded Acts, vol. 22, p. 129. See act referred to, *ante*, p. 48.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the proprietors of said library at any annual meeting may divide their joint Stock into any number of

shares, not exceeding one hundred, instead of fifty as is provided by the section of the act to which this is an addition, and that no proprietor shall have more than one vote instead of the manner in the aforesaid Act provided.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE LITCHFIELD SOCIAL LIBRARY—

[Approved June 27, 1822. Original Acts, vol. 27, p. 39; recorded Acts, vol. 22, p. 130.]

Sec. 1. Be it enacted by the senate and house of representatives in General Court convened. that John White, Moses Chase, Joseph Chase Jur. Frederick Chase and William Read Jur. and their associates proprietors of said Library, and all such as may hereafter become proprietors of the same, be and they are hereby incorporated into a body politick by the name of "the proprietors of Litchfield Social Library" with continuation and succession forever, and in that name may sue and be sued in all actions personal and may prosecute and defend the same to final Judgement and Execution, and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine, not exceeding four dollars for each offence to be recovered by said society in an action of debt to their use in any court proper to try the same, and they may make, purchase and receive subscriptions, grants, and donations of personal estate not exceeding one thousand five hundred dollars, for the purpose and use of said association—

Sec. 2. And be it further enacted, that said society be and they are hereby authorized to assemble at Litchfield aforesaid on the first monday of November next and forever after on the first monday of November annually to choose all such officers as may be found necessary for the orderly conducting of the affairs of said Corporation who shall continue in office until others are chosen in their stead, and that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices and for transacting all other business. excepting raising of money which shall at all times be done at their annual meeting and at no other time, and at which time they shall vote all necessary sums for defraying the annual expence for preserving said Library and for increasing the same. And said Corporation shall have power to make such rules and bye Laws for the govern-

ment of said society as may from time to time be found necessary— Provided the same be not repugnant to the Constitution and laws of this State.

Sec. 3. And be it further enacted, that John White or Moses Chase be hereby authorized and empowered to call the first meeting of said proprietors at such time and place in said town as they may appoint, by giving personal notice of the time and place of holding said meeting at least seven days prior to the holding said meeting, or by posting a notification at some public place in said town expressing the design of said meeting at least fifteen days before the time of holding said meeting; and the said proprietors at said meeting shall have the same power to choose officers and make bye laws, as they have by this act at their annual meeting—and the said John White or Moses Chase shall preside in said meeting until a presiding officer shall be chosen, and in case a majority of said proprietors shall not convene on that day, a less number shall have a right to adjourn from time to time until a majority shall assemble—

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE VILLAGE LIBRARY SOCIETY IN GILMANTON.

[Approved June 27, 1822. Original Acts, vol. 27, p. 40; recorded Acts, vol. 22, p. 132.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Jeremiah Sawyer, Peter Clark, James Weymouth, David Johnston, John B. Gilman and Charles Lane, and their Associates, proprietors of said Library, and all such as are or hereafter may become proprietors of the same, be, and they hereby are incorporated into and made a body politic and corporate, by the name and style of The Village Library Society, with continuance and succession forever; and in that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and privileges of corporations of a similar nature; and may enjoin penalties of disfranchisement, or fine not exceeding four dollars for each offence, to be recovered by action of debt, to their own use, in any court of competent jurisdiction; and may purchase and receive subscriptions, grants and donations of personal property, not exceeding the sum of one thousand dollars, for the use of their Association.

Sec. 2. And be it further enacted, That said proprietors be, and they hereby are authorized and empowered to meet at Gilmanton

aforesaid on the first monday of September annually, to choose all such officers as may be found necessary for the orderly conducting of the affairs of said Association, who shall continue in office until others are chosen in their room; and the said Corporation may convene as often as may be found necessary for the filling up of any vacancies that may happen in said offices, and for transacting all other business for the benefit of said Corporation, excepting the raising of money, which shall be done at their annual meeting, and at no other time:—at which annual meeting they shall vote all such sums as shall be necessary for defraying the annual expense of preserving said Library and for enlarging the same; and may make and establish a constitution, rules and by-laws, for the government of said Corporation: provided the same be not repugnant to the constitution and laws of this State.

Sec. 3. And be it further enacted, That the persons above named, or any two of them, be, and they hereby are authorized and empowered to call the first meeting of said Corporation, at any such time and place as may be judged proper, in said town of Gilmanton, by posting up a notification of the same at the reverend Peter Clark's meeting-house (so called) in said Gilmanton, and some other public place therein, at least fifteen days before the time of holding said meeting, and to preside in said meeting until a moderator shall be chosen; and the proprietors at said meeting shall have all the power and authority to establish such by-laws, and choose all such officers as they may or can do by virtue of this act at their annual meeting.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE HIRAM LODGE, NUMBER NINE.

[Approved June 27, 1822. Original Acts, vol. 27, p. 41; recorded Acts, vol. 22, p. 135.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Nye, Godfrey Stevens, Nathan Bingham, Roswell Elmer, and their Associates and successors, be, and they hereby are created a Corporation by the name of Hiram Lodge, number Nine, with power to take and hold real and personal estate, not exceeding three thousand dollars in value, and with all the powers and rights of similar corporations.

Sec. 2. And be it further enacted, That Jonathan Nye, Godfrey Stevens and Nathan Bingham, or any two of them, shall call the first meeting of said Corporation at such time and place as they may designate, by giving public notice thereof fifteen days prior to

the time of meeting; and at the same or any subsequent meeting, said Corporation may elect officers, and make any by-laws not repugnant to the laws of the State.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE CANAAN MUSICAL SOCIETY.

[Approved June 27, 1822. Original Acts, vol. 27, p. 42; recorded Acts, vol. 22, p. 136.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that John Currier, Timothy Tilton, Moses Kelley, their associates and such as may hereafter become members of said Society, be, and they hereby are, made a corporation by the name of the Canaan Musical Society, with power to hold personal estate not exceeding One thousand dollars, and with all other powers and privileges incident to corporations of a similar nature.

Sec. 2^d. And be it further enacted, that John Currier, Timothy Tilton, Moses Kelley, or any two of them may call the first meeting of said society, at any suitable time and place, by posting up a notification for that purpose at two public places in said Canaan, at least fifteen days prior to said meeting;—at which the members thereof shall choose such officers as they think proper; shall agree on method of *calling*, and *time* of further meetings, and establish all such other Rules and By-Laws for their regulation and government (not repugnant to Laws of New Hampshire), as they may think just and reasonable,—said By-Laws being subject to addition and amendment at any future stated meeting.

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE UNION MUSICAL SOCIETY IN GILFORD.

[Approved June 27, 1822. Original Acts, vol. 27, p. 43; recorded Acts, vol. 22, p. 137.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that William H. Y. Hackett, William Blaisdell, Aaron C. Blaisdell, Nathaniel Goodhue, their

associates and such as may hereafter become members of said Society are hereby incorporated and made a body politic by the name of the Union Musical Society in Gilford, and by that name may sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution and are hereby invested with all the powers and privileges incident to corporations of a similar nature.

Sect. 2. And be it further enacted that William H. Y. Hackett and William Blaisdell may call the first meeting of said Society at any suitable time and place by posting a notification for that purpose at two public places in said Gilford at least fifteen days prior to such meeting at which meeting the members shall choose a clerk and may establish such bye-laws as they may think proper not repugnant to the laws of this State.

Sec. 3. And be it further enacted, that said corporation may receive hold and enjoy by gift, grant, or otherwise personal estate to any amount not exceeding one thousand dollars.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE WARNER LODGE No. 35.

[Approved June 27, 1822. Original Acts, vol. 27, p. 44; recorded Acts, vol. 22, p. 138.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court, convened, that Thomas R. White, Henry B. Chase, and Harrison G. Harris and their associates and successors be and they are hereby constituted and made a body corporate and politic forever by the name of Warner Lodge No. 35 and by that name may sue and be sued plead and be impleaded, prosecute and be prosecuted to final judgment and execution, and may make, have and use a common seal, and the same may break, alter or renew at pleasure—and may hold real and personal estate not exceeding in amount the sum of three thousand dollars—and shall have and possess all the powers and privileges incident to corporations of a similar nature.

Section 2. Be it further enacted, that Thomas R. White Henry B. Chase and Harrison G. Harris or any two of them may call the first meeting of said corporation by giving public notice of the same in some newspaper printed in Concord, three weeks at least before the day of holding such meeting—And at said meeting may choose such officers and make and establish such rules and regulations as to them shall seem proper. Provided such rules and regulations shall not be repugnant to the Constitution and laws of this State.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
EXETER MECHANIC ASSOCIATION.

[Approved June 27, 1822. Original Acts, vol. 27, p. 45; recorded Acts, vol. 22, p. 140.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Theodore Moses, Nathaniel Conner, Oliver Towle, James Odlin, Josiah G. Smith, William Odlin Ju^r James Burley, Francis Grant, Freese Dearborn, Jeremiah Dow and Josiah C. Smith and their associates, together with such others as may hereafter become members with them, be, and they are hereby incorporated into a body politic and corporate forever, by the name of the Exeter mechanic association; for the purpose of benevolence, and for promoting useful improvements & knowledge in the Mechanic Arts.

Sec. 2. And be it further enacted, That the said corporation be and they are made capable in law of having, holding, purchasing and taking in fee simple, or any less estate by gift, grant or purchase, any lands, tenements or other estate real or personal provided the annual income thereof shall not exceed the sum of one thousand dollars; also to sell, demise or dispose of the same estate, real or personal for the purposes above mentioned.

Sec. 3. And be it further enacted, That the said corporation shall have full power and authority, to make, have, and use a common seal, and the same to break, alter and renew at pleasure; that it shall be capable in law to sue and be sued, prosecute & defend in all courts of record, or other courts and places whatsoever, in all actions real, personal or mixed, and to execute all matters and things that may appertain to them.

Sec. 4. And be it further enacted, That the said corporation may make, establish and put in execution all such regulations and bylaws as may be necessary for the Government of said corporation, provided the same be not repugnant to the constitution and laws of this State, and shall have such officers as they shall hereafter appoint and elect from time to time, and such officers shall be designated by the regulations of the said corporation, and shall be capable of exercising such powers as shall be fixed and determined by the said laws and regulations.

Sec. 5. And be it further enacted, That the time for holding the first meeting under the authority of this act, shall be on the first wednesday of September next; which shall be done by giving

public notice, at least seven days prior to said meeting, in the Portsmouth Journal, expressing the time and place of said meeting; and Theodore Moses is hereby authorised to call the same.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE MOUNT LEBANON LODGE NUMBER
THIRTY TWO—

[Approved June 28, 1822. Original Acts, vol. 27, p. 46; recorded Acts, vol. 22, p. 142.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Aaron Martin, Jonathan Piper, Lyman B. Walker, Stephen P. Tolman and John T. Coffin, and their associates and successors be and hereby are created a corporation by the name of "Mount Lebanon Lodge No. 32", with power to hold any estate not exceeding three thousand dollars in value and with all other powers common to similar Masonic corporations.

Section 2. And be it further enacted, that said Aaron Martin, Jonathan Piper, and Lyman B. Walker or any two of them may call the first meeting of said corporation at such time and place and in such publick manner as they may deem proper.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT ALTERING THE NAME AND STILE OF THE KEENE ENGINE
COMPANY.

[Approved June 28, 1822. Original Acts, vol. 27, p. 47; recorded Acts, vol. 22, p. 144. See act of incorporation dated June 13, 1808, Laws of New Hampshire, vol. 7, p. 659. See additional acts of June 29, 1825, *post*, and June 18, 1836, Session Laws, June, 1836, Private Acts, Chap. 79.]

Be it enacted by the Senate and house of Representatives in general Court convened, that the name of the Keene Engine Company, be altered to the name of the Keene fire Society, and by that name in future be known and called.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
 PRESIDENT, DIRECTORS AND COMPANY OF THE CLAREMONT
 BANK.

[Approved June 28, 1822. Original Acts, vol. 27, p. 48; recorded Acts, vol. 22, p. 144. Session Laws, 1822, Appendix, p. 1. See acts of July 10, 1846, id., 1846, Chap. 402; June 23, 1848, id., June, 1848, Chap. 667; January 3, 1849, id., November, 1848, Chap. 787, and July 12, 1850, id., 1850, Chap. 1031.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That John Tappan, David Dexter, Josiah Stevens, Ezra Jones, Samuel Fiske, George B. Upham, Isaac Hubbard, their associates, and those who may hereafter become associates in said Bank, their successors and assigns, shall be, and they hereby are created and made a corporation by the name of the President, Directors and Company of the Claremont Bank; and shall so continue from the first day of March next until the expiration of twenty years next following; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever; and also, to make, have and use a common seal, and the same again at pleasure to break, alter or renew; and also, to ordain, establish, and put in execution such by-laws, ordinances and regulations, not repugnant to the laws of the State, as to them shall appear necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation; Subject always to the rules, restrictions, limitations and provisions herein after prescribed.

Sec. 2. And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than fifty thousand dollars, nor more than one hundred and fifty thousand dollars, in specie, and shall be divided into one thousand shares:—And the stockholders, at their first meeting shall, by a majority of votes, determine the amount of payments to be made on each share, and the time when they shall be made; also, the mode of transferring and disposing of the stock and the profits thereof; which being entered on the books of said Corporation, shall be binding on the stockholders, their successors and assigns: Provided that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of fifty thousand dollars at least. And said Corporation is hereby made capable in law to have; hold, purchase, and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments,

to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same; and to loan and negotiate their monies and effects, by discounting on banking principles, on such personal security as they shall think advisable.

Sec. 3. And be it further enacted, That the following rules, limitations and provisions, shall form and be the fundamental articles of said Corporation:—

1st. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said Bank. And in case any cashier, director or other officer of said Bank, at any time, shall knowingly issue, or order, direct or cause to be issued and put in circulation bills, notes or obligations of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2d. That dividends may be made semi-annually among the stockholders of said Bank of interest or profits actually received, but no part of the capital stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among or paid to the stockholders without the licence of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars:—Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention, by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make division of the capital stock among themselves, and thereby dissolve said Corporation.

3d. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank, by reason of bad or desperate debts due to the Bank, or other means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders, or by appropriations therefor, of the interest and profits actually received.

4th. That said Corporation shall not vest, use nor improve any of its monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in its possession by way of security to an amount sufficient to reimburse the sum or sums loaned.

5th. That none but a member of said Corporation, being a citizen of this State, and resident therein, shall be eligible for a director; and the directors shall choose one of their own number to act as president. The cashier before he enters on the duties of his office, shall give bond with two or more sureties to the satisfaction of the board of directors in a sum not less than ten thousand dollars, with condition for the faithful performance of the duties of his office.

6th. That for the well ordering of the affairs of said Corporation a meeting of the stockholders from and after their first meeting shall be holden at such place as they shall direct, on the first Monday of March annually, and at any other time during the continuance of said Corporation, at such place as may be appointed by the president and directors for the time being, by public notification being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot seven directors to continue in office the year ensuing their election; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion—that is to say: For every one share, one vote; for every two shares above one and not exceeding twenty, one vote; for every three shares above twenty, one vote: provided, that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy, being authorized in writing signed by the person represented, and filed with the cashier.

7th. That no director shall be entitled to any emolument for his services; but the stockholders may make the president such compensation as to them shall appear reasonable.

8th. That no less than four directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.

9th. That all bills issued from the Bank aforesaid, signed by the president and countersigned by the cashier, shall be binding on said Corporation.

10th. That the directors shall appoint a cashier, clerks and such other officers, agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11th. That the said Bank shall be established and kept in the town of Claremont in the county of Cheshire.

12th. That the Legislature shall at all times have the right, by persons duly appointed for that purpose, to examine into the state and condition, and all the doings and transactions of said Corporation, and of its officers relating to the same; for which purpose all the books and papers of the Corporation, together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Sec. 4. And be it further enacted, That, the said John Tappan, David Dexter and Josiah Stevens, or any two of them, may call a meeting of the members of said Corporation, as soon as may be, at such time and place as they may see fit, by giving publick notice thereof at least two weeks prior to the time of meeting by posting up notifications therefor at some publick place in the towns of Claremont, Charlestown, Cornish and Newport, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, as the said members may deem necessary, and for the choice of the first board of directors, and such other officers as they may see fit to choose.

Sec. 5. And be it further enacted, That all penalties incurred for the breach of any of the provisions of this act may be recovered by information or suit in the name of the State.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE MOUNT-VERNON LODGE N^o 15.

[Approved July 1, 1822. Original Acts, vol. 27, p. 49; recorded Acts, vol. 22, p. 152. See act of July 2, 1867, Session Laws, 1867, Chap. 105.]

Sect. 1st Be it enacted by the Senate and House of Representatives in General Court convened. That Joseph Healy, David Farnsworth and Joseph W. White, and their associates and Successors shall be and hereby are erected and made a Corporation and body politic by the name of Mount-Vernon Lodge N^o 15. and by that name may sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution, and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers, incident to Corporations of a similar nature, and may have, hold, and enjoy real and personal estate, not exceeding in amount the sum of two thousand Dollars: and the same may sell, alienate and dispose of at pleasure.

Sect. 2nd And be it further enacted, That Joseph Healy, David Farnsworth and Joseph W. White or any two of them, may call a meeting of said Corporation, to be holden at Washington in the County of Cheshire, at such time as they shall think expedient, by advertisement in the Farmer's Cabinet printed at Amherst, fifteen days previous to the time of meeting, at which meeting, the Members of said Corporation by a vote of the majority of those present, shall choose such Officers, and enact such bye-laws as they may think proper, for the regulation and government of said Corporation; Provided, said bye-laws are not repugnant to the Constitution and Laws of this State.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO AUTHORIZE TOWNS TO MAKE BY-LAWS TO PREVENT HORSES, MULES, JACKS, NEAT CATTLE, SHEEP AND SWINE FROM GOING AT LARGE PASSED JUNE 17TH 1811—

[Approved July 1, 1822. Original Acts, vol. 27, p. 50; recorded Acts, vol. 22, p. 154. Session Laws, 1822, Chap. 25. Laws, 1824 ed., p. 47; id., 1830 ed., p. 201. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 17. See also acts of June 16, 1791, id., vol. 5, p. 761; February 22, 1794, id., vol. 6, p. 175; January 14, 1795, id., p. 232, and December 13, 1836, Session Laws, November, 1836, Chap. 283. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that any town at its annual meeting or at any meeting legally holden for the purpose, may make by-laws to prevent horses or horse kind, mules, jacks, neat cattle, sheep and swine from going at large in any street, highway or common or in any public place within its jurisdiction at any time during the year on the penalty that the owner or owners shall forfeit a sum not exceeding four dollars for the breach of any bylaw so made and which shall be recovered in the same way and manner as is provided in the act to which this is addition—

[CHAPTER 26.]

State of)
New Hampshire.)

AN ACT IN ADDITION TO AND IN AMENDMENT OF AN ACT DECLARING
 THE MODE OF CONVEYANCE BY DEED PASSED THE 10TH DAY OF
 FEBRUARY A. D. 1791.

[Approved July 2, 1822. Original Acts, vol. 27, p. 51; recorded Acts, vol. 22, p. 135. Session Laws, 1822, Chap. 26. Laws, 1824 ed., p. 136. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 652. See also act of December 24, 1799, id., vol. 6, p. 589. Repealed by act of June 29, 1829, Session Laws, 1829, Chap. 26.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that when it shall happen that the witnesses or either of them, whose names are subscribed to any deed of bargain and sale or other conveyance shall not have resided within or shall have removed out of this State before the same deed shall have been acknowledged, proof of the hand writing of the grantor or either of the subscribing witnesses to said deed may be made and shall have the same effect as the proof of their hand writing would have by virtue of said act in case of the death of such witness or grantor.

[CHAPTER 27.]

State of)
New Hampshire.)

AN ACT FOR THE DEVISING OF REAL ESTATE, THE ATTESTATION, FILING AND RECORDING OF WILLS IN CERTAIN CASES, AND THE DISTRIBUTION OF TESTATE ESTATES.

[Approved July 2, 1822. Original Acts, vol. 27, p. 52; recorded Acts, vol. 22, p. 157. Session Laws, 1822, Chap. 28. Laws 1824 ed., p. 139; id., 1830 ed., p. 355. See act of June 19, 1828, *post*. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that every person lawfully seized and possessed of any real estate in this State, of the age of twenty one years and upwards, and of sane mind, shall have power to give, devise, and dispose of the same by a will in writing as well as by any other instrument duly executed, which will shall be sealed and signed by the devisor, or by some person in the presence and by the express direction of the devisor, and shall be attested and subscribed in his or her presence by three or more

credible witnesses. And every will so executed, when duly proved, shall be effectual to establish the intentions of the devisor, agreeably to the rules of law; and the estate shall be distributed accordingly; and no will purporting a disposition of real estate, or of real and personal estate, unless executed by a person upwards of twenty one years of age and of sane mind, and with the formalities aforesaid, shall be proved or allowed. And words in a will so executed, purporting a devise of lands or real estate, shall be holden to pass a fee, unless it appear from their common acceptation that it was the intention of the devisor to pass a less estate.

Section 2. And be it further enacted, that if no provision is made for the widow in the will of her husband, or if any such provision is made therein and intended to be instead of her dower, as she within a reasonable time may elect to waive and shall waive by a writing filed with the Judge of Probate, before whom the will was proved, the said widow shall have her dower assigned her in the real estate of the deceased, as in cases of intestacy, and every provision made for her in such will shall be void.

Section 3. And be it further enacted, that if there be any child or any lineal heir of a child in the descending line, which has no devise or legacy by the will of the deceased father or mother, and which is not named or referred to in the will in such manner as to shew that it was not out of the mind of the Testator at the time of making the will, or if any child shall happen to be born after the death of the father, and no provision shall have been made in his will for such posthumous child, every such child or heir shall inherit and have assigned to it the same portion in the estate of the deceased, as it would be entitled to, if such deceased person had died intestate; and if there be not sufficient personal estate left unbequeathed, or real estate undevised, to satisfy its just share in each, the same shall be made up and satisfied in a just proportion from the estate bequeathed and devised to others; provided, that such portion shall be liable to be diminished by advancements made, in the same way and manner, as is prescribed by law in cases of intestate estates.

Section 4. And be it further enacted, that no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of one hundred dollars, which is not proved by the oaths of three or more witnesses, who were present at the making thereof, nor unless it be proved that the testator at the time of pronouncing the same did bid the persons present, or some of them, bear witness that such was his will, or to that effect, nor unless such nuncupative will be made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where such person hath been resident for the space of ten days or more next before the making of such will, except when such person was surprised or taken sick, being from his own home, and died

before he returned to his dwelling. And after six months passed from the speaking the said testamentary words, no testimony shall be received to prove any nuncupative will, except said testimony or the substance thereof shall have been committed to writing within six days after making said will. And no letter testamentary or probate of any nuncupative will shall pass any Court, until fourteen days at least after the decease of the testator; nor shall any nuncupative will be proved unless process is first issued to call in the widow or next of kindred to the deceased, to the end they may contest the same, if they please. Provided always, that any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his moveables and personal estate, as he might have done before the making of this act.

Section 5. And be it further enacted, that when any person having any devise or bequest of real or personal estate shall die before the testator, and leave lineal heirs in the descending line, such heirs shall take the estate bequeathed or devised, in the same manner the legatee or devisee would have taken it, had such legatee or devisee survived the testator.

Section 6. And be it further enacted, that the estate real and personal of any person dying testate not devised or bequeathed, shall be administered upon by the person who executes the will and be distributed as intestate estate.

Section 7. And be it further enacted, that no revocation of any will purporting a disposition of real estate, or of real and personal estate, or any clause thereof, shall be allowed, unless proved by some other will or codicil, executed with the like formalities, or by some other writing declaring the same, or by cancelling, tearing, obliterating, or otherwise destroying such will by the testator, or by some other person in his presence and with his consent; and no will in writing concerning personal estate shall be revoked or altered by any words or will by word of mouth only, except the same be in the life time of the testator committed to writing, and be read to him, and be proved so to be done by three witnesses at least; provided, that nothing in this section contained shall be construed to control or affect any revocation of a will to be implied according to law from any change in the circumstances of the testator, his family, devisees, legatees, or estate, occurring between the time of making the will and the death of the testator.

Section 8. And be it further enacted, that in case any will, which may be proved without notice to the parties interested, shall hereafter be so proved, any party interested shall be entitled to have the probate thereof re-examined before the Probate Court for the county, in which it was so proved: and a petition for that purpose may be presented to the Judge of Probate, and a day of hearing shall be appointed and notice thereof given to the executor

or executors of such will personally, if practicable, and published in some public newspaper three weeks, at least thirty days before the day of hearing; and if upon such hearing and reexamination the probate thereof should not be confirmed, the said will and probate shall be made void; Provided, that no such application shall be sustained, unless preferred within one year from the time of the probate, nor if an appeal from such probate has been prosecuted before the Superior Court.

Section 9. And be it further enacted, that the estate of every person dying testate shall stand chargeable, so far as the rights of creditors are concerned, with the reasonable expenses of administration, the funeral charges of the deceased, and the just debts, which he owed, in the same way and manner, in which intestate estates are charged.

Section 10. And be it further enacted, that if any person shall attest the execution of any will or codicil, to whom any beneficial devise, legacy, interest, gift, or appointment of or affecting any real or personal estate, shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall so far only as concerns such person attesting the execution of such will or codicil or any person claiming under him, be utterly null and void; and such person shall be admitted as a competent witness to the execution of such will or codicil; but a provision for the payment of a debt made in such will or codicil shall not be void, nor disqualify the creditor as a witness to the execution thereof.

Section 11. And be it further enacted, that when the executor, or any other person interested in a will that has been proved or allowed in a court of probate in any of the United States, or in a court of Probate in any other State or kingdom, pursuant to the laws thereof, shall produce a copy of such will with a copy of the probate thereof, duly authenticated, unto the Judge of Probate of any County in this State, where the testator had estate real or personal, whereon the said will may operate, and shall in writing desire that the same may be filed and recorded in the Probate Office in the same county, the said Judge shall assign a time and place for taking the same into consideration; and shall cause notice thereof to be given in some public newspaper in this State three weeks successively, thirty days at least before the time assigned, to the end that any person may appear and shew cause against the filing and recording thereof; and if upon such hearing no objection is made, or none in the judgment of the said Judge sufficient to prevent it, he may cause the said authenticated copy of the will and probate to be filed and recorded in the registry of the court of probate for the same county; and his decree for the filing and recording thereof shall be of the same force and effect, as the Probate of an original will in the same court; Provided, that no will thus

filed and recorded shall operate a disposition of any real estate in this State, unless it purports to have been executed with all the formalities required in such cases by this act.

Section 12. And be it further enacted, that this act shall not take effect until the first day of January next.

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT FOR THE DESCENT AND DISTRIBUTION OF INTESTATE ESTATES.

[Approved July 2, 1822. Original Acts, vol. 27, p. 53; recorded Acts, vol. 22, p. 164. Session Laws, 1822, Chap. 27. Laws, 1824 ed., p. 136; id., 1830 ed., p. 351. See also acts of February 3, 1789, Laws of New Hampshire, vol. 5, p. 384; January 4, 1792, id., p. 838; December 13, 1792, id., vol. 6, p. 60; December 21, 1824, and July 6, 1826, *post*. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1st—Be it enacted by the Senate and House of Representatives, in General Court convened, that when any person shall die possessed of any personal estate not bequeathed, or seized of any real estate within this State undevise, the same shall descend in equal shares among his children and the legal representatives of such of them as may be dead; and if there be no child or children of such intestate, the estate shall be inherited equally by the next of kin in equal degree, and those who represent them; but no person shall be admitted as a legal representative of collaterals beyond the degree of brother's and sister's children; provided nevertheless, that when any of the children of such intestate die before twenty one years of age and unmarried, or when any child of a person deceased testate die before twenty-one years of age and unmarried, such deceased child's share in the estate shall, although its other parent be alive, be inherited by its surviving brothers and sisters and the lineal heirs in the descending line of such of them as are dead; but if such child die after having arrived to the age of twenty-one years unmarried, and intestate, any brother or sister, or their said heirs being alive, and the mother also, she shall inherit such share equally with them being entitled only to a brother's or sister's part thereof. And provided further, that the intestate estate of any person dying after marriage, or arrival to twenty one years of age, without having descendants, the father being alive, shall be inherited by him in exclusion of the mother; but if the father be dead, and brothers or sisters of a person so dying or such as legally represent them, and also the mother be alive, the estate shall be inherited by them, the mother being entitled only to an equal share

with a brother or sister; and provided further that the widow of every person dying intestate shall be entitled to one third part of the residue of the personal estate of her deceased husband, after deducting therefrom the just demands with which the same is chargeable, and in case he died without leaving lineal heirs in the descending line, she shall be entitled to the one half of such residue as her distributive share thereof; and provided further, that nothing herein contained shall be construed to impair the right of a widow to have dower in the real estate of her deceased husband, or the right of the husband to hold as tenant by the curtesy the real estate of his deceased wife, as allowed by law.

Section 2. And be it further enacted, that when there is no heir or legatee of any estate of a person deceased the same shall accrue to the state; and if at the expiration of three years from the original grant of administration, no heir or legatee shall be ascertained, it shall be the duty of the Judge of Probate to order the executor or administrator to pay the balance of his account into the Treasury of the State, where it shall be subject to the claim of the person or persons having right thereto, upon application to the legislature.

Section 3. And be it further enacted, that the heirs of a bastard, in the ascending and collateral lines, shall be its mother and her heirs.

Section 4. And be it further enacted, that the estate of every person dying intestate shall stand chargeable with the just expenses of the administration thereof, the necessary expenses of the funeral of the deceased, a reasonable allowance to be made by the Judge of Probate to the widow, out of the inventory of the personal estate for her present support and comfort, the just debts which the deceased owed, and with the support of the infant children of the deceased until they arrive to the age of seven years, as the just demands against the same; provided that in the administration thereof no more of the real estate shall be taken than is necessary to make up the sum in which the personal estate shall be deficient for the purposes aforesaid; And provided further, that the support of the said children shall be taken out of such surplusage only of the estate as may remain after the full payment of the other just demands aforesaid. And the residue of the personal estate, if any, after all the said just demands are satisfied, shall be distributed to the widow and heirs or their legal representatives, as in this act is provided.

Section 5. And be it further enacted, that if any heir of a person dying intestate, or any person through whom such heir claims, shall have had estate of such intestate in his lifetime, or shall have been advanced in settlement, such estate or advancement shall go towards the share of such heir or in full thereof, as the case may be, according to its value. And any deed of lands and tenements made for love or affection, or any personal estate delivered, which per-

sonal estate shall have been charged in writing, or of which some memorandum shall have been made by the intestate, or by his or her order, or which shall have been delivered expressly as an advancement before two witnesses, who were requested to take notice thereof, or which shall be proved so to have been received by some acknowledgment thereof in writing, signed by the party receiving the same, shall be deemed and taken to be in advancement of the share of such heir; provided however, that no deed of lands or tenements shall be so deemed and taken unless the same be expressed to be for love or affection, or unless the fact, that such deed was given as advancement be proved by some acknowledgement thereof, signed by the party receiving the same. And all advancements may be taken into consideration and allowed either in the division of the real estate, or distribution of the personal estate. If taken into consideration in the division of the real estate, they shall be reported by the dividing committee and allowed and decreed upon by the Judge of Probate, and if in the distribution of the personal estate, they shall be adjusted and allowed by the said Judge at the time of such distribution.

Section 6. And be it further enacted, that this act shall not take effect until the first day of January next.

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT REGULATING THE SETTLEMENT AND DISTRIBUTION OF INSOLVENT ESTATES.

[Approved July 2, 1822. Original Acts, vol. 27, p. 54; recorded Acts, vol. 22, p. 169. Session Laws, 1822, Chap. 29. Laws, 1824 ed., p. 142; id., 1830 ed., p. 359. See acts of November 11, 1784, Laws of New Hampshire, vol. 5, p. 35; February 11, 1791, id., p. 662; June 26, 1792, id., vol. 6, p. 28, and June 29, 1841, Session Laws, 1841, Chap. 606. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that when the estate of any person deceased shall appear to the executor or administrator thereof to be insolvent, and shall be so represented to the Judge of Probate, and be decreed by him to be administered upon as an insolvent estate, the same shall be distributed among the creditors in proportion to the sums to them respectively due, or in full payment of their demands, as the case maybe; saving that the expenses of administration, the necessary charges for the burial of the deceased, the allowance made by the Judge to the widow out of the personal estate, all rates and taxes, and charges for the last sickness

shall be first paid, giving preference to them in the payment according to the order in which they are here placed; the said expenses of administration, funeral charges, and the rates and taxes together with the allowance to the widow, to be allowed by the judge and deducted from the estate in the hands of the executor or administrator. Provided nevertheless, in case there should be any estate left, after the payment of the charges aforesaid, the debts due from the estate, and the support of the children, if any, under seven years of age, such residue shall be distributed among the legatees or heirs, according to law. And where any estate shall be represented insolvent, the judge of probate shall appoint one or more persons, not exceeding three, to receive, examine, adjust, and allow the claims of the creditors to any such estate; and the said commissioners shall cause the times and places of their meeting, to receive, examine, adjust, and allow such claims to be made known by posting up an advertisement or notification thereof in the town or place, where the deceased last dwelt, and in two of the adjacent towns, and also in a shire town in the same County; or shall cause the same to be published in some public newspaper, that shall be most likely to give information to all concerned; or, if the judge should, considering the circumstances of any such estate, and the situation of the creditors thereto, order all the notice before mentioned or any further and additional notice, to be given, then the said commissioners shall notify in such manner, as the judge shall order; and the notice to be given shall, in all cases, be expressed in the commission of insolvency; and not less than six nor more than nine calendar months, as the Judge, considering the circumstances of any such estate, may order, shall be allowed the creditors, to bring in and support their claims or demands against such estate. Provided nevertheless, that for sufficient cause shewn, the judge may afterwards allow to the creditors such further time or times as in the whole shall not exceed eighteen calendar months from the date of the first commission; in all which cases of extension the notice originally directed shall be renewed, and such further notice given as the Judge shall order. And in all cases the last session of the Commissioners for the purposes aforesaid, shall be notified to be, and shall be, within the seven last days of the time allowed, the day of the date of the commission being reckoned as part of such time; and at the end of the time limited for bringing in claims as aforesaid, the said commissioners shall make report to the Probate Office, and present a list of all the claims by them allowed, and shall, in such report, particularly state, how they have notified the creditors, and the times and places of their meeting, and shall furnish to the Judge, or file in the probate office, satisfactory evidence of their having so notified. And the executor or administrator shall pay the commissioners a reasonable compensation for their services, which shall be allowed to him by the Judge on settlement of the account of his

administration. And before any person shall enter upon the duties of a commissioner, under this act, he shall be sworn to the faithful and impartial discharge thereof, which oath shall be certified on the back of the commission. And if, during the pendency of any such commission, circumstances occur which shall incapacitate or prevent any person appointed a commissioner from discharging the duties thereof, the Judge may, in any stage of the proceedings, substitute some other person to complete such duties, who shall be sworn in manner aforesaid.

And before any decree of acceptance of the report on such commission shall be passed, notice shall be given of the time and place, when and where such report will be taken into consideration, by public advertisement in such way and manner as the judge shall direct. And at any time before the acceptance of such report, any errors happening therein may, by the said commissioners, under the inspection or by the permission of the judge, be corrected, but no claim shall be diminished without notice to the creditor or his agent; nor shall any claim be increased without notice to the executor or administrator; and no new claim by virtue of this provision shall be considered or allowed. And no decree of acceptance of any such report shall be passed, until the Judge is satisfied, that the creditors have been notified according to his order; and in such decree he shall certify, that they have been so notified, and it shall forever after be taken and held to be conclusive evidence of the fact so certified, in all matters or causes, where the same may be drawn in question.

Section 2. And be it further enacted, that the commissioners on any estate represented insolvent, as aforesaid, shall be and they hereby are authorized, and it shall be their duty to receive, examine, and allow all bona fide demands, which the deceased owed that shall be exhibited to them, although such demands may not be payable at the time of such allowance. And they shall allow interest on demands carrying interest, to the time of the expiration of their commission, and on demands not ordinarily carrying interest, to the same time, from the death of the testator or intestate; but from demands allowed by them not then payable and not carrying interest, they shall discount such sum as will reduce them to their just and present value. And when there are mutual demands between the deceased and any person claiming as a creditor, which, if due, might be legally or equitably offset against each other, it shall be the duty of the said commissioners, if there be a balance in favour of such creditor, to consider such mutual demands, and to allow only to such creditor the balance justly due.

Section 3. And be it further enacted, that the said commissioners shall have power to swear witnesses, and, if they deem it expedient, to examine on oath the creditor, touching any claim exhibited to them for allowance.

Section 4. And be it further enacted, that the commissioners on such estate shall take no cognizance of any claim or demand in favour of the executor or Administrator thereof, against the deceased; but in all such cases, in the citation to the heirs and creditors to hear the account of such executor or administrator, notice shall be particularly given, of the claim or demand against the estate, which the executor or administrator wishes to have allowed to him; and if at the time of rendering the account no heir or creditor appear to contest the said claim, the judge of Probate may examine the same, and allow such sum as to him appears legal, and the same shall be placed by him on the list of claims; or the judge may, and if any heir or creditor appear to contest the claim, he shall, unless the parties agree in writing to have him decide upon it, refer the same to one or more referees, whose report, when accepted by the judge, shall be final in the case; and any sum so allowed shall by the Judge be placed on the list of claims and draw its proportionable share.

Section 5. And be it further enacted, that any creditor conceiving himself aggrieved by the determination of the said commissioners, on any demand by him exhibited, may, at the time of the acceptance of their report by the Judge, as before mentioned, or within thirty days afterwards, appeal from such determination to the Superior Court of judicature next to be holden in the same county, signifying such his desire to the judge of probate in writing and filing in the probate Office a declaration on his demand against such insolvent estate, drawn up with legal certainty; and the Judge shall order the executor or administrator to be served with a copy of such declaration, and to be notified of the appeal made by such creditor; and the creditor may, at the court appealed to, enter his action as plaintiff against the executor or administrator, and shall produce an attested copy of such his declaration and the certificate of the judge of probate, that notice was issued to the executor or administrator, and evidence of the compliance with such order; and upon said declaration such pleadings may be made, issues joined, and proceedings had, as the said court shall direct or allow; and unless such appealing creditor shall recover more than the commissioners shall have allowed, the court shall not tax cost for the creditor, but may tax cost for the executor or administrator, if, all circumstances considered, they think it proper, and issue execution therefor. And if the creditor shall fail to enter his action, in manner aforesaid, or to recover judgment thereon, his demand shall be forever barred, and whatever was allowed by the commissioners shall be struck from the list of claims; And the court may in case of his failing to enter his action as aforesaid, on complaint of the executor or administrator, tax and allow cost for such executor or administrator and issue execution therefor; or in case judgment be for the executor or administrator on trial or otherwise, after the

entry of such action, such executor or administrator shall be allowed cost, and have execution therefor as in other cases; and any other of the creditors shall and may, if the said Superior Court think proper, be admitted to defend against such action, with or without the executor or administrator. And the judgment of the Superior Court in favour of such appealing creditor shall be certified to the Judge of probate, and its amount shall be considered as the just claim of such creditor, and be placed by the judge on the list of claims, and be entitled to its proportionable share of the estate; and the sum, if any, allowed by the commissioners, shall be struck from the said list of claims. And if any executor or administrator shall be of opinion, that the commissioners have allowed a demand against the estate, which ought not to be allowed, or have allowed a larger sum than was justly due, such executor or administrator shall, at the time of the acceptance of their report, signify his objection thereto in writing, which writing shall be filed in the Probate Office, and if neither the creditor, his agent, nor attorney, be present to take notice of such objection, the judge may order such notice thereof to be given, as he shall deem proper; and if the creditor fail to prosecute his demand against such insolvent estate at the next Superior Court in the same County, in the manner before directed, and within the time before limited in case of a creditor's appealing from the determination of the commissioners, then the claim by them allowed and so objected to by the executor or administrator, as aforesaid, shall either be struck off of the list of claims, or reduced in its amount to such sum as the executor or administrator shall allow to be just; but if the creditor shall, on the prosecution of his appeal, recover by the judgment of the Superior Court, as much as was allowed by the commissioners, he shall be entitled to full cost. And there shall be no review of any judgment rendered in the Superior Court on an appeal from the determination of commissioners. Provided however, that in either of the cases above mentioned, if the creditor and executor or administrator do, within the said thirty days, agree, before the judge of probate, to submit the disputed claim to the decision of referees, to be nominated and appointed by him, a rule therefor shall be granted; and the report of the referees on such claim, accepted by the judge, shall be final and conclusive between the parties, and if in favour of the creditor, shall be placed on the list of claims, and the one, if any, returned by the commissioners, shall be struck off. And the allowance of the costs of reference to either party, shall be in the discretion of the judge; if allowed to the creditor, it shall be added to and constitute a part of his claim; if to the executor or administrator, the judge may issue his warrant of distress therefor.

Section 6. And be it further enacted, that debts due for the last sickness of the deceased shall be designated as such by the commissioners in their report; and if the balance in the hands of

the executor or administrator after making the other deductions, herein before directed be sufficient, the said debts for the last sickness shall be paid in full; but if the said balance be insufficient to pay them in full, the same shall be distributed to the creditors of such debts in proportion to their respective claims; and the sum so paid or distributed for the said debts for the last sickness shall in all cases be allowed to the executor or administrator, in his account of administration.—And if, after paying all the said debts in full, any balance remain in the hands of the executor or administrator, the same shall be decreed to be distributed among the other creditors in proportion to their respective claims adjusted and allowed as aforesaid, or in the full payment thereof with interest, as the case may be; and such decree shall contain the names of the creditors, the sums allowed them, and the sums, which they are respectively entitled to receive from the executor or administrator on such estate; and the balance on any second or further account rendered on such estate shall be distributed in like manner, until the creditors shall have received the sums allowed them in full with interest, if the estate shall so far extend.

Section 7. And be it further enacted, that all demands against such estate exhibited to the commissioners and rejected by them, and not prosecuted to judgment in the manner by this act prescribed, and all demands against such estate, which by virtue of this act might have been exhibited to and allowed by them, but which were not so exhibited and allowed, shall be forever barred. And no action against any executor or administrator of any such estate shall ever be sustained otherwise than in this act is provided. And if any action be commenced against the executor or administrator of such estate, it shall be discontinued, when the estate is represented insolvent. Provided however, that nothing herein contained shall be construed to impair any remedy of a creditor against the heirs or devisees of any such estate, whose demand could not be allowed by the commissioners, because the same depended upon a contingency, which had not happened before or during the time allowed to the creditors to prove their demands; and provided further, that the right of review of any suit instituted in the courts of common law, and on which judgment shall have been rendered, shall not be affected by this act; but the sum finally ascertained to be due from the insolvent estate on such review, if prosecuted, shall, including costs, constitute the claim of the creditor, and be admitted by the Judge on the list of claims to receive its proportionable share, and the court shall issue no execution therefor.

Section 8. And be it further enacted, that no surety of the executor or administrator of an estate represented insolvent shall be liable for the proportion or dividend of any creditor to such estate, unless process shall have been instituted against one or more of the sureties of such executor or administrator for the recovery of such

dividend, within one year from the time of making or passing the decree ordering the payment thereof; provided such creditor shall have had notice of the dividend, within six months, after the same shall have been decreed.

Section 9. And be it further enacted, that this act shall not take effect nor be in force until the first day of January next.

[CHAPTER 30.]

State of {
New Hampshire. }

AN ACT DEFINING THE JURISDICTION POWERS AND DUTIES OF A JUDGE OF PROBATE, AND THE DUTIES, EXEMPTIONS, AND LIABILITIES OF EXECUTORS, ADMINISTRATORS, AND GUARDIANS, IN CERTAIN CASES.—

[Approved July 2, 1822. Original Acts, vol. 27, p. 55; recorded Acts, vol. 22, p. 179. Session Laws, 1822, Chap. 31. Laws, 1824 ed., p. 153; id., 1830 ed., p. 331. See acts of June 21, 1820, Laws of New Hampshire, vol. 8, p. 902; December 2, 1820, id., p. 923; July 2, 1822, July 3, 1822, July 1, 1825, June 30, 1826, and January 2, 1829, *post*, and June 29, 1829, Session Laws, 1829, Chap. 26. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the several Judges of Probate shall in their respective counties have original cognizance and jurisdiction of the Probate of wills, and the granting of Administrations, and all the powers appertaining by law to such jurisdiction. And the Probate of the will and the granting of Administration on the estate of any person deceased shall belong to the Judge of Probate for the county in which such person was last an inhabitant; but if the person deceased was not at the time of his death an inhabitant of this State, the Will may be proved or filed and recorded, or the administration granted by the Judge of Probate of any County where such deceased person had Estate.— And the issuing of letters Testamentary, or granting Administration to Executors, and granting administration with the Will annexed, and Administration on Estate not before administered, or not before administered with the Will annexed, as the case may require, and examining and allowing the account or accounts of the Executor or Administrator, so often as the same shall be rendered, and all matters and things of Probate jurisdiction, relating to the settlement and final distribution of the Estate, shall appertain to the Judge of Probate for the county where the Will was proved, or filed and recorded, on the original Administration granted.

Section 2. And be it further enacted, that Administration shall

be granted to the Executor or Executors named in the Will, being of age and capable, if he or they will accept the trust; but in case of their incapacity or refusal or if no executor be named, or in the case of intestacy, Administration on the Estate of the deceased, and if there be a will with the Will, annexed, shall be granted to the Widow or any of the next of kin being of age and capable, or to such suitable person as they may nominate; or in case of their refusal, to some one of the devisees or creditors of the deceased who shall apply for the same; provided nevertheless, that after the expiration of thirty days from the death of the person, upon whose estate administration is to be granted, and upon the neglect or refusal of the persons aforesaid, the Judge may grant the same to such other person as he may think proper; and provided further, that no person not an inhabitant of this State shall be appointed to administer any Estate therein by reason of any right to such trust, unless in the opinion of the Judge, other circumstances make it fit and proper. And if the Administration on the Estate of any person, testate or intestate, shall become vacant by death, extinguishment, or revocation, the Judge of Probate may grant administration on the Estate not before administered, or not before administered with the will annexed, as the case may require, to such person as he may think proper, having due regard to the rules aforesaid; provided however, that if a minor named in any will as the Executor thereof shall come of age and claim his right to administer the Estate, and give security as this act requires, the Judge shall grant administration on the Estate not before administered with the will annexed to the person so having come of age and requesting the same; and the administration before granted if to a person not named in the will as an Executor, or named only to execute the same until such minor should come of age, shall be thereby revoked; but if Administration had been granted to any person or persons named in the will without any such limitation of their authority, the grant of Administration to such minor shall constitute him a joint Executor with such person or persons.

Section 3. And be it further enacted, that no person shall intermeddle with the Estate of any person deceased, or act as the Executor or administrator thereof, or be considered as having that trust, until such person shall have given bond to the Judge of Probate with sufficient sureties in a reasonable sum upon condition among other things to return to the said Judge a true and perfect inventory of the Estate of the deceased upon oath, within three months from the date of the bond, to administer said Estate according to law, and to render to the said Judge a full account of administration upon oath within one year, and to pay and deliver all the rest and residue of the Estate, which shall be found remaining upon the account of such Executor or Administrator; unto such person or persons respectively as the said Judge by his decree or sentence; pursuant to

law, shall limit and appoint.—And the Inventory, thus to be returned, shall contain a just and impartial appraisement of the Estate, including the Real Estate, goods, chattels, rights, credits, and effects of the deceased; and shall be taken and made by three suitable persons, to be appointed by the Judge, and sworn by him or some Justice of the peace to their fidelity and impartiality therein.—Provided however, that if the Executor to whom administration shall be granted, be also residuary legatee, a bond with sufficient sureties may be taken from him with condition only to pay the funeral charges, debt and legacies, and to render upon oath an account of his proceedings therein, when thereto lawfully required—

Section 4. And be it further enacted, that the Executor or Administrator, shall account in money for the debts due the deceased by him received, or which by due diligence might have been collected and received.—And he shall also be charged in money with the appraised value of the goods and chattels of the deceased; but if within six months from the date of the bond, he or any other person interested in the Estate, shall procure an order or license to have the said goods and chattels sold at public auction, which order or license the Judge of Probate is hereby authorized to grant, directing therein the notice to be given of such sale, and if the Executor or Administrator shall comply with such order, and act with fidelity and impartiality in the sale, he shall be credited with the sum in which the proceeds of the sale fall short of the appraised value, and if the proceeds exceed the appraised value, he shall be charged with such excess; provided nevertheless, that if there be any personal estate specifically bequeathed, or undisposed of at the request of the heirs or legatees, or preserved for their greater benefit, and not wanted for the payment of the just demands with which the Estate is chargeable, the Executor or Administrator shall be discharged therefrom by producing the same, and delivering it over to the heirs or legatees to whom it belongs.—And it shall further be the duty of the Executor or Administrator to account for all assets, although the same may not have been Inventoried, and the Judge of Probate shall upon satisfactory evidence of such assets charge him therewith in the account of Administration.

Section 5. And be it further enacted, that if the personal Estate be insufficient for the payment of the just demands with which the Estate of any person deceased stands charged, it shall be the duty of the Executor or Administrator thereof to apply for and procure license for the sale of so much of the Real Estate as will make up such deficiency. And if the Executor or Administrator shall unreasonably neglect or refuse to procure such license, or shall unreasonably neglect or refuse to sell in pursuance of any such license when granted, or shall conduct such sale fraudulently, whereby the parties

interested shall sustain injury, or shall refuse to account and respond for the proceeds thereof, it shall be deemed and held to be maladministration by such Executor or Administrator, and a forfeiture of his bond.

Section 6. And be it further enacted, that it shall be the duty of the Executor or Administrator, if he has realized assets sufficient, or if by due diligence he might have realized such assets, to redeem any personal or Real Estate of the deceased under pledge, mortgage, or levied on Execution, (the time of redemption not having expired) for less than its value in money or which if unredeemed, would materially diminish the value of other Estate of the deceased, unless he shall sell the same by license subject to the incumbrance; and the omission of the Executor or Administrator so to redeem, whereby the equity of redemption is foreclosed, shall be held to be maladministration and waste.

Section 7. And be it further enacted, that all debts due from the Executor or Administrator to the Testator or Intestate shall be assets in his hands, for which he shall account in the same way and manner, as for a debt against any other person; and the Judge of Probate is hereby authorized to ascertain and liquidate such debt, and charge the Executor or Administrator therewith; provided nevertheless, that if any Testator bequeath to his Executor any such debt, his right thereto shall be the same as that of any other legatee to a debt specifically bequeathed.—And if the Estate be not represented Insolvent, demands due from a person deceased to an Executor or Administrator shall be liquidated and adjusted by the Judge, and credited the Executor or Administrator in the account of Administration.

Section 8. And be it further enacted, that if an Executor or Administrator, in order to secure or satisfy a debt due the deceased, shall levy on the land of the debtor, the heirs and Widow, or Legatees shall have the same right in the land so levied, that they had in the demand thereby secured or satisfied, and it shall vest in them accordingly subject to the just demands with which the Estate stands charged, to the same extent, as the money, if received for the debt, would be subject, and to be sold by the Executor or Administrator in the manner provided by Law. And in case of disseizin, the Executor or Administrator may sue for and recover the land so levied, declaring upon his seizin thereof in his said capacity.

Section 9. And be it further enacted, that if any person, not being duly authorized as Executor or Administrator, shall unlawfully intermeddle with, embezzle, alienate, waste, consume or destroy any of the personal Estate of a deceased person, he shall stand chargeable and be liable to the actions of the creditors or others aggrieved, as Executor in his own wrong, to double the amount or value of the Estate so intermeddled with.

Section 10. And be it further enacted, that the Judge of Probate be and hereby is fully empowered to call before him, and to examine upon oath, any person suspected and complained of, by any Executor, Administrator, Heir, Legatee or Creditor of a person deceased to have concealed, embezzled, or conveyed away any of the Personal Estate of the deceased, for discovery of the same.—And if the person suspected and complained of refuse to appear before the said Judge, or appearing refuse to be examined, or to answer interrogatories upon oath respecting such Estate, the said Judge is hereby authorized to commit the person so refusing unto the common Gaol in any County where such person may be found, there to remain, until he or she consent to be examined and answer interrogatories as aforesaid, or be released by the complainant, or by order of the Superior Court of Judicature. And on a like complaint of any Guardian in relation to the property of his ward, or complaint of any creditor, relative, or friend of such ward, like proceedings may be had—

Section 11. And be it further enacted, that all Sheriffs, Deputy Sheriffs, and constables be and they hereby are required duly to serve and execute any legal warrant or process to them directed by a Judge of Probate.

Section 12. And be it further enacted, that the Estate of any person deceased, and the Executor or Administrator thereof, shall be liable for joint demands against the deceased and any other person, in the same way and manner, as they would be liable, if such demands were several as well joint, unless it appear to have been the intention of the parties, that the demand should survive only against the longest liver.

Section 13. And be it further enacted, that when there are two or more Executors on an Estate, and either of them shall have more than his share of the Estate, and shall refuse to pay the same out in discharge of the just demands, with which it is charged, or refuse to account with his co-executor, the aggrieved Executor shall have and may bring an action of account against the Executor so refusing, and recover such proportionable share of the Estate as may justly belong to him. And Joint Administrators and Guardians, under like circumstances, shall have the like remedy against each other.

Section 14. And be it further enacted, that the Executor of an Executor shall not, in consequence thereof, become the Executor of the first Testator. And if any feme Executrix, Administratrix or Guardian shall marry, her husband shall not thereby become Executor, Administrator or Guardian in her right, but such marriage shall operate an extinguishment of the trust. And if any Executor, Administrator or Guardian, by reason of absence, or any infirmity of body or mind or by wasteful or fraudulent management in his trust, shall become unfit for the discharge thereof, or unsafe to be intrusted therewith, it shall be in the power of the Judge of Probate

for the county where such Executor, Administrator, or Guardian received his appointment, upon due notice given, and examination had, to revoke the same; and such revocation may be made under any circumstances with the consent of the Executor, Administrator, or Guardian, and the persons interested, when it shall appear to be for their benefit.—And all Guardianships over persons Non compos and other persons not minors, when it shall be made to appear, that the cause, for which the same was granted, has ceased, or is removed, shall be revoked.—And if the sureties of any Executor, Administrator or Guardian shall be insufficient, it shall be the duty and in the power of the Judge of Probate, to require such Executor, Administrator or Guardian, to furnish new and sufficient sureties for the faithful discharge of the trust, and upon refusal or neglect, after a reasonable time allowed, to revoke said trust.

Section 15. And be it further enacted, that if the Probate of a Will be not contested, the Judge may allow and approve the same, upon the testimony of one of the subscribing witnesses thereto, although the other subscribing witnesses be living and within the process of the Court. And when any Will shall be offered for Probate, and any of the witnesses live out of the State, or more than thirty miles from the place of holding the Court, or by reason of infirmity or other necessary detention are unable to appear and give evidence; the deposition of such witness may be taken in writing, before any person duly authorized by *Dedimus potestatem* from the Judge or Court of Probate before whom the Will is to be proved.—And the deposition of any Executor, Administrator, Guardian or other person, who would otherwise be required by law to be sworn before any Judge or Court of Probate, may be taken by order of said Judge or Court of Probate in the same manner, whenever the personal attendance of such Executor, Administrator, Guardian or other person is prevented by infirmity, or other necessary detention.

Section 16. And be it further enacted, that if any person, knowing of his being named in any will as the Executor thereof, neglect for more than thirty days after the death of the Testator, to cause the said Will to be proved, or to present the same to the Judge to whom the Probate thereof belongs, or lodge it in the Probate Office, and in writing signify a refusal of the trust, he shall, unless his excuse for such neglect be accepted and certified by the Judge as reasonable, forfeit the sum of twenty dollars, for the first ten days of such neglect after the expiration of the said thirty days, and the same sum for every thirty days afterwards, to be recovered by any person who will sue for the same, in an action of debt in any Court of competent jurisdiction. And if there be two or more Executors so neglecting, they shall be jointly and severally liable to such action.

Section 17. And be it further enacted, that it shall be in the

power of the Judge of Probate to make to the Widow of any person dying Intestate, a reasonable allowance out of the Inventory of the Personal Estate for her present support and comfort; and the same shall, at the time of making the decree for distribution, be taken into consideration, and the whole or any part thereof, as the Judge shall think reasonable, may be ordered to go in diminution of her share in such distribution.—And in case of a person dying Testate, if the Estate shall be represented Insolvent, or if it is manifest, that the Testator was deceived in the condition of his Estate, whereby the provision made for his widow shall be materially affected, it shall be in the power of the Judge of Probate to make to her a similar allowance; provided she waive the provision made for her in the Will and take her dower at common law.

Section 18. And be it further enacted, that no action for any cause of action against a person deceased shall be sustained against the Executor or Administrator, if commenced at any time within one year after the original grant of Administration; nor shall any such action be ever sustained against any Executor or Administrator, unless the demand was exhibited to the Executor or Administrator, or one of the Executors or Administrators sued.—And no such action shall ever be sustained, unless the demand, whether payable or not, was exhibited, within two years from the original grant of Administration, to the Executor or Administrator acting as such at the time of the exhibition, but every remedy for the recovery thereof against any Executor or Administrator shall be barred; provided nevertheless, that if, within the said two years, the Estate of such deceased person shall have been represented Insolvent, no such exhibition of the demand shall be necessary, to entitle the creditor to have the same allowed by the commissioners of Insolvency; and provided further, that if the demand depended upon a contingency which might never have happened, but which shall have happened after the said two years and the creditor shall exhibit the same before the final settlement and distribution of the Estate, the Executor or Administrator shall be liable for therefor as in other cases of Estates not represented Insolvent, but only to the extent of the assets under his control, and which shall remain after the discharge of the other demands with which the Estate stands charged.—And provided further, that if during the said two years there should be any suspension of the Administration of the Estate by reason of the death of the Executor or Administrator or otherwise, the creditors aforesaid shall have, for the exhibition of their demands, a time beyond the said two years equal to the time of such suspension.

Section 19. And be it further enacted, that all writs of attachment and Executions for any cause of action against a person deceased, shall run only against the goods or Estate of the deceased person in the hands of the Executor or Administrator; nor shall any

Executor or Administrator be held to special bail upon mesne process; nor shall his Estate be seized, or his person arrested, or taken on Execution for any such cause of action, except that upon return made by the Sheriff on an Execution of "No goods" or of "waste", a scire facias may be issued against such Executor or Administrator, and if upon the return thereof, he fail to appear, or, if after appearance, shall not shew sufficient cause, execution shall be awarded against such Executor or Administrator of his own proper goods and Estate to the value of the waste, when it can be ascertained, and otherwise for the whole sum recovered, and for want of goods or estate, against the body of such Executor or Administrator.—And no Executor or Administrator shall be compelled to plead specially to any action brought against him in that capacity, but may, under the general issue, give any special matter in evidence.

Section 20. And be it further enacted, that when any Executor or Administrator is Plaintiff or Defendant in any suit, such suit shall not abate by reason of the death of such Executor or Administrator, or by reason of the extinguishment or revocation of the trust of such Executor or Administrator, but the same may be prosecuted or defended by the Executor or Administrator, that shall succeed to the trust, as a suit instituted by or against a person since deceased may be prosecuted or defended; and the action may be revived, and such Executor or Administrator be called into Court, by scire facias, to prosecute or defend, in the same way and manner; and the whole cost of the suit shall follow the Judgment as in other cases.

Section 21. And be it further enacted, that the expenses of assigning the Widow's Dower, and the expenses attending the division or assignment of the Real Estate and of appointing Guardians to minors and others incapacitated to take care of their interest, whether heirs or legatees, shall be held and taken to belong to the expense of administration, and shall be allowed as such.

Section 22. And be it further enacted, that the several Judges of Probate in their respective counties in this State, when and so often as there shall be occasion, be and hereby are empowered to appoint guardians to minors; and when any minor shall have arrived to the age of fourteen years, whether such minor be under guardianship or not, the Judge shall appoint such suitable person for a guardian, as the minor may elect; provided however, that if no new guardian be appointed, the former guardianship shall continue and be in force. And the Judge shall take from every such guardian a bond with sufficient sureties, upon condition among other things, for a faithful performance of his trust according to law, and to render an account upon oath to the Court of Probate when required, and to respond to the minor when of full age or otherwise, as the Court of Probate shall order. And it shall be the duty of every such guardian, if required, to return an Inventory of the estate of the

minor, to be taken and made in the same way and manner, as inventories of the estates of persons deceased are to be taken and made.

Section 23. And be it further enacted, that upon a request made in writing by any relative or friend of any person, who is an idiot, non compos, lunatic or distracted person, or upon the like request of the overseers of the poor of the town, in which such person lives or is an inhabitant, that a guardian may be appointed over such person, the Judge of Probate for the county, in which said town is situated, shall cause the Selectmen of such town to make inquisition thereinto; and if upon return of such inquisition and due examination had, it shall appear to the said Judge and be decreed by him, that such person is an idiot, non compos, lunatic, or distracted person, it shall be in the power of the said Judge to appoint a guardian or guardians over such person; provided no such decree shall be passed or appointment made, until the person, over whom a guardian is requested, shall have been cited and had opportunity to appear and shew cause against the same.—And when any person by excessive drinking, gaming, idleness, debauchery or vicious habits of any kind, shall so waste, spend or lessen his Estate, or shall so neglect to attend to any useful calling or business; which he may be capable of attending to as thereby to expose himself or his family, or any of them, to want or suffering circumstances, or to endanger or expose the town to which he belongs, in the judgment of the Selectmen of the town in which he resides, to charge or expense for the maintenance and support of him, or his family, or any of them, and the Selectmen, or the major part of them, shall make complaint thereof in writing to the Judge of Probate for the county where such person resides, said Judge shall appoint a day of hearing, and cause the person complained of to have due notice of the complaint and of the time of hearing the same, to the end that he may appear and be heard thereon; and if upon examination had, it shall appear that such person comes within the description aforesaid, the said Judge is hereby empowered to appoint, and shall appoint, one or more of the said Selectmen, or some other suitable and discreet person or persons to be guardian or guardians over such person so complained of.—And every guardian appointed by virtue of this section shall give bond to the Judge of Probate in a reasonable sum with sufficient sureties, upon condition, among other things, for the faithful discharge, according to law, of the trust reposed in him, and for rendering upon oath a true and just account of his guardianship, when and so often as he shall be thereto required.—And it shall be the duty of every such guardian, to make and return a true and perfect inventory of the estate of his ward, in the same way and manner as inventories of estates of persons deceased are taken and made.—And it shall also be the duty of such guardian, to take care, as well of the person, as of the Estate

both real and personal of his said ward, and the same to improve frugally and without waste or destruction, and to apply the annual profits and income thereof for the comfortable maintenance and support of his said ward, and also of his household and family if any such he have, and to collect the dues of his said ward, to pay his just debts out of his property in the most economical and least expensive manner, and in all things to use his endeavors, that his said ward shall suffer no injustice; and generally, to take care of the estate and rights of his said ward in as full and ample a manner, as the said ward could or might do, were he in his right mind or not under guardianship; and such ward shall sue and be sued, prosecute and defend by his guardian.—And every such guardian shall, immediately after his appointment, give public notice thereof in some public newspaper printed in the county, if any there be, or in such newspaper as said Judge shall direct, and in all cases shall post up a notification thereof in the town where his ward resides.—And it shall be the duty of every guardian appointed over any person on account of his vicious habits as aforesaid, to inculcate habits of sobriety and industry in his ward; and he may bind his ward or the children of such ward out to labor, or employ them in the work house; provided that every contract made by the guardian in such case shall be in writing, and express the term which the person, so bound out, or employed is to serve, which shall not exceed one year at a time, but may be renewed as there shall be occasion.

Section 24. And be it further enacted, that no bargain or sale of real or personal estate, or contract of any nature whatever, made by a person under guardianship for vicious habits, after the appointment made, and during the continuance of such guardianship, shall be valid in law. And no such bargain, sale or contract shall be valid, if made after an attested copy of the complaint presented to a Judge of Probate, upon which a guardian shall be afterwards appointed, and the order of notice thereon, shall have been filed with the clerk of the town in which the person complained of resides; unless the guardian by an instrument under his hand and seal shall afterwards approve and ratify the same.

Section 25. And be it further enacted, that all guardians shall be entitled to a reasonable compensation for their expenses and services in the discharge of their trust. And the examining and allowing of all accounts of guardians shall appertain to the Judge of Probate for the county where the appointment was made.—And if the balance, on any such account, be against the ward, it shall be a lien upon all the estate of the ward real and personal, not disposed of by the guardian, for the recovery of which, after he ceases to be guardian, he may maintain an action for money paid and advanced.

Section 26. And be it further enacted, that no account of an Executor, Administrator or guardian shall be allowed until the heirs, legatees, creditors or other person interested therein, shall have been

notified of the time and place of rendering the same, by a citation issued for that purpose, which citation shall be served by giving personal notice, or by publishing the same in some public newspaper, or otherwise as the Judge may order.—And no private claim of an accountant shall be credited to him on settlement of his account, unless special notice thereof be given in such citation.

Section 27. And be it further enacted, that it shall be the duty of every executor and administrator, upon the payment to any heir or legatee of their distributive share of the estate in the hands of such executor or administrator, to take from such legatee or heir a lawful receipt or discharge therefor, and of every guardian, to take a similar receipt or discharge, when he shall pay or deliver over the property of his ward to the said ward or his legal representative, and to lodge such receipt or discharge in the Probate office for the county where such executor, administrator or guardian gave bond, where it shall be safely kept, the time of its being so lodged or filed, being certified on the same by the Judge or Register.—And upon the complaint of any surety of any executor, administrator or guardian, or the legal representatives of such surety, that such executor, administrator or guardian has omitted to return such receipt or discharge to the Probate office, such delinquent executor, administrator or guardian, shall be cited to appear and return the same; and, in case of his inability or refusal so to do, to assign his reasons therefor; and, unless upon a hearing had thereon, the Judge shall certify the reasons of the omission to be sufficient, such executor, administrator or guardian, shall, for every thirty days delay, to return and lodge in the Probate office such discharge, after said hearing, forfeit the sum of twenty dollars, to be recovered by the person complaining in an action of debt before any court of competent jurisdiction.

Section 28. And be it further enacted, that the Judge of Probate, to whom the granting of administration on the estate of any person deceased by law appertains, shall, upon application to him made therefor, cause the dower of the widow, where she is entitled to dower, to be assigned her in the real estate of which her husband died seized and possessed, by a committee of three or more freeholders not exceeding five, which, being returned under their or the major part of their hands upon oath to their fidelity or impartiality therein, and accepted and allowed by the Judge, due notice having been given by the committee to the parties interested, shall be valid. And her dower in all the real estate of the deceased may be assigned her in one or more parcels thereof as shall be convenient.—And in like manner the said Judge may cause the share of any devisee or heir in the real estate of any person deceased or any part thereof and in the dower of the widow when it shall have reverted, to be set off, and may in the same manner cause the whole or any part of the real estate of any person deceased to be divided among the devisees or heirs thereof, or their legal representatives, according

to their respective interests. But if any real estate that is intestate cannot, in the opinion of the committee, be divided among all the heirs or their legal representatives, without great prejudice to or spoiling the whole, they shall appraise the same at its just value, giving a general description thereof, and make return of their doings; and if the same shall be approved by the Judge, he may decree the whole to the oldest male heir that will accept it, or to him and any other of the male heirs who will accept it, and upon their refusal, or if there be no male heirs, to the oldest female heir that will accept it, or upon her and any other of the female heirs that will accept it, preference being always given, when there are two grades of kin that are heirs, to the grade which is nearest of kin, he, she or they paying to their co-heirs their respective and proportionable shares of the appraised value thereof, or giving good security to pay the same with interest at such periods as the Judge shall limit. And if any tract of land, messuage or other tenement shall be of greater value than the share of any devisee or heir in the estate to be divided, and cannot be subdivided and a part thereof assigned to one, and a part to another without injury or inconvenience, the whole of such tract, messuage or tenement may be assigned to one of the parties, such party paying such sum or sums of money to the party or parties, as by means of the assignment shall have less than their share of the land, as the committee shall award.—And if any estate out of which dower is to be assigned, or any estate so to be divided, appraised or assigned, or any part thereof lies in common and undivided with the estate of any other person, the Judge of Probate may in and by his warrant authorize the committee, first to make severance and division between the estates thus lying in common; and no warrant for the division of any real estate among the heirs or devisees shall be issued by a Judge of Probate, until guardians shall have been appointed over the minors, and others incapacitated to take care of their estates, that are interested, and agents shall have been appointed to represent and act for those interested that are out of the State. And it shall be the duty of every committee, appointed for the purpose of making such division, to give reasonable notice to all parties interested, their guardians, agents or Attornies, when they will proceed upon the premises, and in their report to the Judge, they shall certify that they have so notified.—And every party to whom any estate of a person deceased shall be decreed to be set off, distributed, assigned, paid or secured, shall, if required give bond to the Judge of Probate with sufficient sureties to pay to the executor or administrator in default of other estate in the hands of such executor or administrator his or her rateable proportion of the just demands then outstanding with which the estate is chargeable.

Section 29. And be it further enacted, that if the parties request it, the reversion of the widow's dower may, at its fair value, to be

estimated by the committee, be set off, divided, appraised or assigned with the other real estate; provided however, that the possession and improvement of the dower shall not be affected thereby.

Section 30. And be it further enacted, that when any person or persons interested with others in any real estate, there being no dispute about the title, shall petition the Judge of Probate for the county where such estate, or the greater part thereof is situated, to have his or their share in such estate divided and set off from the rest, said Judge shall appoint a place and day of hearing, and cause the several parties interested therein, or such of them as are known, to have notice thereof, by being personally served with an attested copy of the petition and order of notice thereon, or by having the same left at their last and usual place of abode, at least fifteen days, or by causing the same to be published in some public newspaper printed in the State three weeks successively at least thirty days, before the time assigned; and if on such hearing no sufficient objection appear, he shall cause partition to be made agreeably to the prayer of the petition, by his warrant directed to three or more freeholders not exceeding five, which being returned under their or a major part of their hands upon oath to their fidelity and impartiality therein, and approved and allowed by the Judge, shall be binding on all parties. And when the estate is so situated, that it cannot be divided so as to give to each party his equal share therein, without great prejudice or inconvenience, the same may be assigned to one of the petitioning parties, he or she paying to the other petitioners or owners who by means thereof shall have less than his, her or their share, such sum or sums of money, as the committee shall award, or giving bond with sufficient sureties to pay the same with interest within such time as the Judge of Probate shall limit.—Provided always, that no such order for partition shall be made until guardians shall have been appointed to minors and others incapacitated to take care of their estate, who are interested and living in this State, and agents appointed for such parties as live out of the State or are unknown, to be advising on their behalf in the making of such partition. And it shall be the duty of said committee to give reasonable notice to all concerned, their guardians, agents, or Attornies, of the time when they will proceed upon the premises, and to certify in their report that they have so notified.

Section 31. And be it further enacted, that when the partition or division of any estate lying in common with the estate of any other, has been made by order of the Judge of Probate, and any of the parties interested shall neglect or refuse to pay his just proportion of the charges attending such division or partition, the said Judge shall cause the same to be levied by his warrant of distress; provided an account of such charges be first laid before him, and the just proportion of the parties interested adjusted and allowed

by him after due notice given to the party or parties, against whom the warrant of distress is to issue, to be present at such adjustment and allowance.

Section 32. And be it further enacted, that all wills and their probates, inventories, accounts, proceedings relative to real estate, and all orders, decisions and appointments from which an appeal might be claimed, shall be recorded in the Probate office in some suitable book or books furnished for that purpose. And every executor, administrator, and guardian shall be entitled to have certified copies of all proceedings relating to their trust, and to be credited the expense thereof in their respective accounts.

Section 33. And be it further enacted, that no Register of Probate in this State shall be appointed an appraiser or commissioner on any estate, under administration, in any Probate office of which he is Register.

Section 34. And be it further enacted, that this Act shall not take effect or be in force until the first day of January next.

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT EMPOWERING THE SEVERAL JUDGES OF PROBATE TO LICENSE EXECUTORS, ADMINISTRATORS AND GUARDIANS, TO SELL REAL ESTATE IN CERTAIN CASES AND FOR PERPETUATING THE EVIDENCE OF SUCH SALES.

[Approved July 2, 1822. Original Acts, vol. 27, p. 56; recorded Acts, vol. 22, p. 203. Session Laws, 1822, Chap. 30. Laws, 1824 ed., p. 148; id., 1830 ed., p. 365. See acts of July 3, 1822, July 1, 1825, June 30, 1826, and January 2, 1829, *post*; June 29, 1829, Session Laws, 1829, Chap. 26; June 28, 1834, id., 1834, Chap. 183. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that in default of personal estate to answer the just demands against the estate of any person deceased, which just demands shall be considered to include not only the debts which the deceased owed, but the funeral expences, the expences of administration, the legacies given, and necessary charges for support of the children under seven years of age, when the estate is intestate and not in fact insolvent, the Judge of Probate for the County, where the administration was granted, or will proved, is hereby empowered to license and authorise the executor or administrator of such estate to sell at public auction so much of the real estate of the deceased, as shall raise a sum of money to be fixed upon by the Judge and sufficient for the purpose afore-

said. And the said Judge may in such license, when he shall deem it expedient, specify the tract or parcel of land out of which the sale shall be made and the money raised. And the executor or administrator shall, upon receiving the license, or before proceeding to act under the same, take the following oath.—

"I, A.B, do solemnly swear, that in disposing of the estate of C.D. late deceased or such part thereof as I have license to sell, I will use my best judgment in fixing on and advertising the time and place of sale, and will exert my utmost endeavours, that the same shall be sold in such manner, as will be of the greatest advantage to the persons interested in said estate, and that without any sinister or selfish views whatever." which oath, if taken before a justice of the peace, shall be returned to and filed in the Probate Office, before the allowance of the account of administration. And every executor, or administrator, so authorized and sworn, and having so advertised and sold, may and shall execute and deliver, in due form of law, a good and valid conveyance of the estate sold to the purchaser, being the highest bidder, his heirs, and assigns. Provided nevertheless, that in all cases of application by an executor or administrator for license to sell real estate, the Judge of Probate, before he grants such license, shall cause the heirs and devisees to such estate or their guardians, to be notified thereof, and at what time and place they may be heard concerning the same; and if they will give bond with sufficient sureties for the payment of said demands and to save harmless the executor or administrator therefrom, no license shall be granted; and provided further, that when the executor or administrator is not under sufficient bond to account for the money, which he may be authorized to raise by such license, the judge may and shall require and take from such executor or administrator a bond with sufficient sureties to account for the same.

Section 2^d—And be it further enacted, that the real estate, of which the judge of probate may by virtue of this act authorize the sale, shall be construed to extend to and include the reversion of the widow's dower and any estate in land not less than freehold; provided however that when any estate in land other than a present fee in the same is to be sold by virtue of this act, such estate shall be specified in the application for license, in the order of notice, and the license.

Section 3. And be it further enacted, that when it shall be necessary to sell any real estate of a person deceased for the payment of the said just demands, and the estate is more than sufficient for that purpose, but is so situated, that a part thereof cannot be sold or cannot be sold without injury to the persons interested therein, the judge of Probate shall upon application for license to sell the same, describing the estate and stating the fact, that from its situation a part cannot be sold without injury to the persons interested therein, give notice in manner aforesaid and upon no sufficient objection

appearing, he may and shall grant license to sell the whole, and the executor or administrator shall be sworn in manner aforesaid. And previous to the granting of such license, the judge shall take of the executor or administrator a bond with sufficient sureties to account for the proceeds of such sale, and after deducting the just demands aforesaid, which the personal estate is not sufficeint to pay, to pay over the residue to the use of those in whom the estate so sold was, as the judge by his decree shall appoint and order.

Section 4. And be it further enacted, that when any executor or administrator, in order to secure or satisfy a debt due the deceased shall have levied on the land of the debtor, it shall be in the power of the judge of probate, after giving notice as aforesaid, to license the executor or administrator, who shall give bond and be sworn as aforesaid, to sell in manner aforesaid the land so levied, although the sale thereof be not necessary for the payment of the said just demands.

Section 5. And be it further enacted, that when it shall appear by the will of any person deceased to have been the intention of the testator, that his executor should dispose of his real estate for any lawful purpose whatever, but the words used are not sufficient to vest such authority in the executor, or when the person named in the will as executor, in whom such authority is vested or intended to be vested, is not the person who executes the will, it shall be in the power of the Judge of probate, notice having been given and a hearing had thereon as aforesaid, by license to authorise the acting executor, or administrator with the will annexed, to sell such real estate in the manner and for the purpose intended by the testator. And in all such cases, fraudulent conduct in the sale, misappropriation of the proceeds thereof, or refusal to account for the same shall be a breach of the condition of the administration bond, as fully as if such executor or administrator had received his authority from the will only.

Section 6. And be it further enacted, that the judge of probate of the county, in which the guardian of any minor, idiot, or other person placed under wardship received his appointment, be and hereby is empowered to license and authorise such guardian to sell at public auction the real estate of his ward, whenever the sale thereof shall be necessary for the support of the ward, or his or her family, or conduce to his or her interest; provided that a petition for that purpose be preferred, a day of hearing appointed, and notice thereof be given to all persons concerned, in such public newspaper as the judge shall direct, three weeks successively at least thirty days before said day of hearing. And before receiving the license for such sale, the guardian shall take before the judge the following oath. *"I, A. B. guardian of C. D. &c my ward, do solemnly swear, that in disposing of the estate of my said ward, for which I have obtained license, I will use my best judgment in fixing*

on and advertising the time and place of sale, and will exert my utmost endeavours, that the same shall be sold in such manner as shall be of the greatest advantage to my said ward, and that without any sinister or selfish views whatever." And if upon examination, the judge shall not be satisfied that the said guardian has already given bond competent and sufficient to bind him to conduct with fidelity in the sale, and to account and respond for the proceeds thereof, he shall before he issues his license therefor require and take of such guardian a bond with sufficient sureties to conduct the sale with fidelity, and to account for the proceeds thereof. And every guardian so authorized and sworn, and having so advertised and sold, may and shall execute and deliver in due form of law a good and valid conveyance of the estate sold to the purchaser, being the highest bidder, his heirs and assigns.

Section 7. And be it further enacted, that no license to an executor, administrator, or guardian for the purposes aforesaid, shall be available to sustain or justify any sale under the same, unless made within two years from the granting thereof.

Section 8. And be it further enacted, that when any executor, administrator, or guardian, who has made sale of any real estate by license from the court of probate, or the purchaser of such estate, his heirs or assigns, shall wish to perpetuate the evidence of the sufficient and legal advertisement of such sale, or the evidence of any fact shewing the fairness and legality of such sale, the said executor, administrator, or guardian or the said purchaser, his heirs or assigns may state such facts in writing to the Judge of Probate for the County where the license was granted, requesting to have the evidence thereof made perpetual in the probate office; and thereupon the Judge of Probate shall appoint a day of hearing, giving notice by public advertisement or otherwise to all persons interested, that they may be present and contest the same if they see fit; And if upon such hearing and due examination had it shall appear to the said Judge, that all or any of the facts set forth in said petition are true, he shall in his decree thereon certify the same, and such decree shall forever after be held and taken to be conclusive evidence of the facts therein affirmed in all matters or causes, in which the same shall be drawn in question; Provided nevertheless, that no such petition shall be sustained unless presented before the expiration of two years from the time of such sale.

Section 9—And be it further enacted, that if any person deceased shall have contracted in writing to convey real estate, but was prevented from making such conveyance by death, the executor or administrator of such deceased person, or the party contracted with as aforesaid, may by petition representing the said facts, and that the said party has performed, or stands ready to perform the conditions of such contract, apply to the Judge of probate for the county, in which administration on the estate of the deceased was

granted; and the judge shall assign a time and place for taking the same into consideration, and shall cause notice thereof to be given in some public newspaper in this State, three weeks successively thirty days at least before the time assigned; and if upon due examination had, no sufficient objection appear, the said judge may grant license to and empower the said executor or administrator to make and execute as good and valid a conveyance of such real estate, as the deceased would be obliged to make and execute if alive. And the money or consideration for such estate, if received by the executor or administrator, shall be held and taken to be assets in his hands.

Section 10. And be it further enacted, that this act shall not take effect until the first day of January next.

[CHAPTER 32.]

State of)
New Hampshire. }

AN ACT, AUTHORIZING AND REGULATING APPEALS FROM THE DECISIONS OF A JUDGE OF PROBATE.

[Approved July 2, 1822. Original Acts, vol. 27, p. 57; recorded Acts, vol. 22, p. 210. Session Laws, 1822, Chap. 33. Laws, 1824 ed., p. 160; id., 1830 ed., p. 373. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that any person or party aggrieved by any decree, sentence, appointment, order, grant, or denial, of any Judge of Probate, which, if not appealed from, might conclude the interest of such person or party, or which is not strictly interlocutory, may appeal therefrom to the Superior Court of Judicature next to be holden in the county where such decision of the Judge of Probate was made, provided, that such appeal be claimed within sixty days, from the time of making or passing such decision, in writing, signed by the person or party appealing, his agent or attorney, and setting forth his interest therein, and the reasons of his appeal; and provided further, such person or party give bond, with sufficient surety, to prosecute his said appeal with effect, and to pay such costs as shall be awarded against him by the said Superior Court, in case the decision so appealed from should be affirmed or unaltered. And the appellant shall immediately give notice of the appeal, and of the court at which it will be entered, and prosecuted, in some public newspaper printed in the County, if such there be, if not, in any public newspaper printed in the State.—And if, upon any such appeal, the decision of the Judge of Probate shall be re-

versed or altered, the said Superior Court may tax cost for the appellant, and issue execution therefor. And in case of affirmation, they shall tax cost and issue execution for the appellee. And if the appellant fail to prosecute the appeal, the appellee or any person interested, may file a complaint before the court appealed to, and have affirmation of the decision appealed from, and judgment & execution for his costs.

Section 2. And be it further enacted, that after the expiration of the said sixty days, and within two years therefrom, any person or party aggrieved by any such decision of a judge of probate, and who was not prevented appealing therefrom by his own neglect, but through mistake, accident or misfortune, may petition the said Superior Court of Judicature, setting forth his interest, his reasons for appealing, and the causes of his delay, and upon such petition an order of notice shall be made by any judge of said Court, to whom the same may be presented, by the Clerk thereof, or by the judge or register of Probate, if requested, and the said petition and order published in some public newspaper, at least three weeks, thirty days before the sitting of the superior court, to which it is returnable; and if it shall appear that the petitioner has not unreasonably neglected to appeal, and that injustice has been done by such decision of the Judge of Probate, the said superior court may grant an appeal therefrom; and thereupon the said appeal shall be considered as being in court, and shall be heard and tried under said petition. And the said court may, if they think reasonable, continue the cause and order further notice, and may require of the appellant Security for costs, the allowance of which to either party shall be at the discretion of the court.

Section 3. And be it further enacted, that when, on an appeal from a judge of probate, any fact material to the cause shall be disputed, the court may direct an issue, proper to try such fact, to be formed, and ascertain the same by the verdict of a jury.

Section 4th And be it further enacted that every decision of a Judge of Probate, so far as the same shall be affirmed or unaltered by the superior court upon appeal, shall be considered to have been in force and operative from the time the same was made or passed by such judge of probate.

Section 5. And be it further enacted, that this act shall not take effect or be in force until the first day of January next.

[CHAPTER 33.]

State of }
 New Hampshire. }

AN ACT REGULATING SUITS ON BONDS GIVEN TO A JUDGE OF PROBATE, AND DIRECTING THE MANNER IN WHICH SUCH BONDS MAY BE TAKEN.

[Approved July 2, 1822. Original Acts, vol. 27, p. 58; recorded Acts, vol. 22, p. 213. Session Laws, 1822, Chap. 32. Laws, 1824 ed., p. 167; id., 1830 ed., p. 371. Repealed December 23, 1842. See Revised Statutes (1842) Chap. 230.]

Section 1st Be it enacted by the Senate and House of Representatives, in General Court convened, that any person interested in any bond given to a Judge of Probate and aggrieved by a breach of the condition thereof, shall, upon application to the judge of probate, have an order for the suit thereof, which application shall set forth the interest and claim of the petitioner intended to be secured and recovered in such suit, he giving for the benefit of the defendant, a bond with sufficient sureties to pay without delay the costs which may be adjudged him. And every person, at whose request such order is made and suit instituted, shall have his name indorsed on the writ before the service thereof, with the descriptions and the same legal formality, that would be required, were such person or persons the nominal, as well as the real plaintiff in the suit.

Section 2^d—And be it further enacted, that in all suits on bonds given to a judge of probate in this State, the defendant or defendants shall in the writ be called upon to answer "*to the Judge of Probate for the County of.....*" without, in describing the plaintiff, any other mention of the person, to whom the bond was given, or who fills the office; and all bonds hereafter given to a Judge of Probate may be given in the same manner, that is, without naming the incumbent of the office. And no suit, on any bond given to a Judge of Probate, shall be abated or discontinued by any vacancy or change in the office, by whatever means that vacancy or change may happen.

Section 3^d And be it further enacted, that when it shall appear upon confession, verdict, demurrer or in any other way, that the penalty of such bond is forfeited, judgment shall be rendered against the defendants for such penalty with costs of suit, which judgment shall be a security for all interested; and upon a hearing in chancery on such forfeiture, the court shall examine the claims of the party or the parties respectively, at whose request the suit was instituted, and whose names appear indorsed on the writ in manner aforesaid: and for such claim or claims if duly ascertained and

liquidated, judgment shall be rendered in favour of the claimant or claimants respectively, "*that the Judge of Probate for the county of..... now have execution for.....being part of the penalty forfeited and cost taxed at.....for the use of A. B. of C.....*" with such further description, as the court may deem expedient; and the party, for whose use such judgment shall be rendered, may sue out execution thereon, and shall be deemed and taken to be the creditor to every intent and purpose whatever. And in case such execution be levied on real estate, the same shall vest in such party, in the same way and manner it would vest were such party the nominal as well as the real plaintiff in the suit, judgment and execution; and the attachment made on the original writ shall enure to the benefit of such party, in the same way and manner. And if there be more than one party for whose use execution shall be awarded in the manner aforesaid, the order of their priority in the attachment shall be, as designated on the back of the original writ at the time their names are endorsed thereon; and if no such designation appear, preference shall be given them in the attachment according to the order in which their names are endorsed.

Section 4. And be it further enacted, that if during the pending of the suit on such bond, any person interested, whose name is not endorsed on the writ in manner aforesaid, shall petition the judge of probate stating his interest and claim, and praying to be admitted to the benefit of the suit, the said judge shall appoint a day of hearing giving reasonable notice to the defendants, and if no sufficient objection appear, shall allow the prayer of the petitioner, he giving bond with sufficient sureties for the payment of costs as aforesaid; and on his producing to the court, before which the action is pending, certified copies of these proceedings, the said Court shall order the name of such claimant to be endorsed on the original writ in manner aforesaid, and thereupon such party shall be admitted to all the rights, to which he would be entitled by virtue of this act, had his name been endorsed on the original writ before the service thereof, and his right in the attachment shall be subsequent to the rights of the other indorsers.

Section. 5. And be it further enacted, that after judgment for the penalty in such bond, any person interested shall, upon application to the Judge of probate, have permission to take out a scire facias on said judgment, to shew cause why execution should not be awarded for his use out of the same, which application shall set forth the interest and claim of the petitioner, for which he requests a remedy, he giving bond with sufficient sureties for the benefit of the defendants in such process, to pay without delay the costs that may be adjudged them. And on such scire facias the party shall be entitled to have his claim examined in manner aforesaid, to have

execution therefor awarded in manner aforesaid, and to be deemed and taken to be the creditor to every intent and purpose whatever.

Section 6. And be it further enacted, that no suit or judgment on any such bond shall operate as an abatement or a bar to a suit on the same bond against any of the obligors, against whom no suit has been commenced or judgment rendered. And when in any suit on such bond, judgment shall be rendered in favour of the obligor or obligors, whether upon demurrer, verdict, or otherwise, the said judgment shall not operate as a bar to any other suit on the same bond instituted at the request and for the benefit of a different claimant, or at the request and for the benefit of the same claimant for a different claim; and no execution shall be awarded for the costs adjudged the defendant or defendants in any suit on such bond, or on any scire facias on the judgment, but the remedy of the defendants for such costs shall be exclusively on the security taken in the probate office therefor.

Section 7. And be it further enacted, that neither party shall have the right of review of any action or suit herein authorized.

Section 8. And be it further enacted, that this act shall not take effect or be in force until the first day of January next.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT TO REPEAL CERTAIN ACTS THEREIN MENTIONED—

[Approved July 2, 1822. Original Acts, vol. 27, p. 59; recorded Acts, vol. 22, p. 217. Session Laws, 1822, Chap. 34. Laws, 1824 ed., p. 171.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that an act passed on the second day of June one thousand eight hundred and fourteen entitled "An act in addition to and in amendment of an act entitled an act in addition to and in amendment of an act entitled an act for the limitation of actions, and for preventing vexatious suits, passed the 16th day of June 1791"; and an act passed the third day of February 1789, entitled "an act for the settling of testate estates," and an act passed the 16th day of February seventeen hundred and ninety one, entitled an act relative to the attestation of wills"; and an act passed the twenty second day of January seventeen hundred and ninety, entitled an act for the filing and recording of wills, proved without this state, and for the taking of affidavits in writing for the probate of wills in certain cases;" and an act passed the third day of February seventeen hundred and eighty nine entitled an act ordering the descent of intestate estates, and empowering the

judge of probate to settle the same accordingly"; and an act passed the fourth day of January 1792, entitled an act in addition to an act entitled an act ordering the descent of intestate estates and empowering the judges of Probate to settle the same accordingly"; and an act passed the thirteenth day of December seventeen hundred and ninety two, entitled an act in addition to an act entitled an act for settling testate estates, and in addition to an act entitled an act ordering the descent of intestate estates and empowering the judge of Probate to settle the same accordingly;" and an act passed the thirtieth day of November one thousand eight hundred & four, entitled an act in addition to an act entitled an act in addition to an act entitled an act for settling testate estates &c made and passed the thirteenth day of December 1792"; and an act passed the fifteenth day of February seventeen hundred and ninety one, entitled an act empowering the Judge of Probate to grant license to sell real estate in certain cases"; and an act passed the fifteenth day of December seventeen hundred and ninety seven, entitled an act for the conveyance of real estate in certain cases"; and an act passed the twenty fourth day of December seventeen hundred and ninety five, entitled an act to authorize the Superior Court to empower guardians to sell the real estate of their wards;" and an act passed the eleventh day of February seventeen hundred and ninety one, entitled an act for the equal distribution of insolvent estates;" and an act passed the fourth day of February one thousand seven hundred and eighty nine entitled "an act for the more easy partition of lands and other real estate"; and an act passed the ninth day of February one thousand seven hundred and ninety one entitled, an act for the relief of idiots and distracted persons"; and an act passed the twenty fourth day of December one thousand eight hundred and five entitled an act respecting idle persons;" and an act passed the twenty first day of June one thousand eight hundred and ten, entitled "an act in addition to an act entitled an act respecting idle persons passed December 24th 1805;" and an act passed the 20th day of June 1817 entitled "an act in addition to an act entitled an act for the conveyance of real estate in certain cases passed December the 17th 1797"; and an act passed the twenty second day of June one thousand eight hundred and nineteen, entitled "an act relating to the construction of words in a will purporting a devise of real estate, be and they hereby are repealed after the last day of December next, excepting so far as they repeal other laws; Provided nevertheless, that the said acts shall be and continue in force in relation to all proceedings had and instituted, and all rights acquired under them before the first day of January next.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT ESTABLISHING THE LAW OF THE ROAD.

[Approved July 2, 1822. Original Acts, vol. 27, p. 60; recorded Acts, vol. 22, p. 220. Session Laws, 1822, Chap. 35. Laws, 1824 ed., p. 126; id., 1830 ed., p. 583. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that in all cases of persons meeting each other on any bridge, turnpike or other road within this State travelling with carriages, waggon, carts, sleds, sleighs or other vehicle the persons so meeting shall seasonably turn, drive and convey their carriages, waggon, carts, sleds, sleighs or other vehicle to the right of the center of the travelled part of such bridge, turnpike or road so as to enable each others carriages, waggon, carts, sleds, sleighs or other vehicle to pass each other without interference or interruption.

Sec. 2. And be it further enacted that every person offending against any of the provisions of this act shall forfeit and pay for each offense or neglect a fine not less than one dollar nor more than twelve dollars to the use of this State to be recovered on complaint before any justice of the peace in the County where the offence shall be committed; and shall moreover be held answerable to any party for all damages which be sustained in consequence of such offence or neglect; Provided that no prosecution shall be sustained under this act unless upon complaint duly made within ninety days from the time when the offence shall have been committed nor any action for damages unless the same shall be commenced within one year after the cause of said action shall have accrued; And provided, also, that no prosecution shall be sustained for any violation of the provisions of this act except on the complaint of the person or persons aggrieved or some person or persons duly authorized by the person or persons aggrieved—

Sec. 3. And be it further enacted that this act shall take effect and be in force from and after the first day of December next.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT TO CREATE A CORPORATION BY THE NAME OF THE TRUSTEES
OF DONATIONS FOR THE SUPPORT OF PUBLIC WORSHIP IN SALIS-
BURY VILLAGE.

[Approved July 2, 1822. Original Acts, vol. 27, p. 61; recorded Acts, vol. 22, p. 221.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Ebenezer Eastman, Ebenezer Blanchard, James Garland, Kendal O. Peabody, James Clark, William Hadduck, Paul Noyes, and Parker Noyes, and their successors, be, and they hereby are incorporated and made a body corporate and politic forever, by the name of The Trustees of Donations for the support of public worship in Salisbury Village, and in that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and shall be and hereby are vested with the powers incident to corporations of a similar nature, and may have a common seal which they may make and alter at pleasure.

Section 2. Be it further enacted, that the first meeting of the corporation shall be held at a time and place to be appointed by Ebenenezer Eastman, of which meeting he shall notify in writing each person named in this act fifteen days, at least, before the time appointed for the meeting, at which meeting a President may be elected who shall preside in the meetings of the corporation, and a Clerk whose duty it shall be to record all the doings of the corporation, who shall hold their offices one year and untill others be elected. The clerk shall be sworn to the faithful discharge of the duties of his office. A meeting of the members of the corporation shall be held annually at such time as they may agree on, six members at least shall be present at a meeting to transact business, and no disposition shall be made of the property held by the corporation without the concurrence of five votes. In case of the death, or resignation, of any member, the remaining members shall elect, by ballot, some person to fill the vacancy and the person elected shall become a member of the corporation. The corporation may prescribe the manner of calling and time and place of holding future meetings.

Section 3. Be it further enacted, that the corporation aforesaid may take and hold estate both real and personal not exceeding in value the sum of twenty thousand dollars for the support of public Religious worship of God, and may lease, and with the consent

of the donors or grantors may exchange or sell and convey any estate held by the corporation and the estate received in exchange and the proceeds of any sale shall be held for the same use. The corporation shall be answerable that the property held by them, shall be applied to the use to which it is directed to be applied by the grantor, or donor, and to no other use whatever

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT IN FURTHER ADDITION TO AN ACT, ENTITLED, "AN ACT FOR FORMING, ARRANGING AND REGULATING THE MILITIA".

[Approved July 2, 1822. Original Acts, vol. 27, p. 62; recorded Acts, vol. 22, p. 224. Session Laws, 1822, Chap. 37. Laws, 1824 ed., p. 86. See acts of December 22, 1820, Laws of New Hampshire, vol. 8, p. 955; June 27, 1821, *ante*, p. 23; June 29, 1821, *ante*, p. 47; July 3, 1822, and June 12, 1824, *post*. Repealed by act of January 2, 1829, *post*.]

Sec. 1. Be it enacted, by the Senate and House of Representatives in General Court convened, that out of the sum of twelve dollars annually allowed by said act to each piece of ordnance, there shall be paid to the captain or commanding officer of each company of artillery the sum of seven dollars for furnishing said piece with powder and portfire, and for hiring horses on regimental muster-days; and the remaining sum of five dollars shall be paid to said captain or commanding officer, on his producing to the adjutant-general satisfactory evidence, that it has been expended in repairing said piece, carriage or harnesses; or so much thereof as shall appear to have been so expended.

Sec. 2. And be it further enacted, that every captain or commanding officer of a company shall have the same power and authority to train and discipline his company when called out for inspection on the first Tuesday of May in each year as he has on other days when his company is paraded for inspection.

Sec. 3. And be it further enacted, that the division inspectors when attending their respective major-generals, in reviewing the militia, shall perform the duties of inspection, whether it be a review of a division, brigade or regiment; and the brigade-inspectors while attending their respective brigadier-generals, shall perform the like duties, whether it be a review of a brigade or regiment.

Sec. 4. And be it further enacted, that the Adjutant-general shall furnish at the expense of the State the several regimental quarter-masters with suitable blank books for keeping their records,

and all necessary blank forms for the different returns they may required to make; and shall explain the principles on which they are made.

Sec. 5. And be it further enacted, that the captains or commanding officers of companies shall make the returns by them required to be made to the adjutants and regimental quarter masters within twenty days after the annual training and inspection in May in each year; and the adjutants and quarter masters of regiments shall make their respective returns to the adjutant-general, and to the officer doing the duty of quarter master-general, within thirty days from said annual training and inspection in each year. And in case any officer whose duty it shall be to make any of said returns, shall neglect so to do for a longer time than is herein prescribed, he shall forfeit and pay for each neglect the sum of twenty dollars; to be recovered by the adjutant general in an action of debt in his own name, in any court of competent jurisdiction to be appropriated for paying any expenses attending the militia.

Sec. 6. And be it further enacted, that the commander in chief may at any time accept the resignation of any officer, not being under arrest, when in his opinion the public good may require it.

Sec. 7. And be it further enacted, that all courts-martial hereafter to be appointed by the commander in chief, shall consist of eight members, a president, a judge advocate and a marshal: the president of which shall be of the rank of major-general: all courts martial appointed by a major general shall consist of six members, a president, judge advocate and a marshal, the president of which shall be of the rank of colonel or higher grade; and all courts martial appointed by a brigadier general shall consist of four members, a president, judge advocate, and a marshal; the president of which shall be of the rank of a field officer. And each of said courts martial shall have power to cashier or to reprimand in orders, or to inflict such fine on any officer, by said court convicted as under the circumstances of the case to said court may seem reasonable, not less than ten dollars, nor more than one hundred dollars; to be sued for and recovered by the judge advocate who served on said court in an action of debt in his own name before any court proper to try the same and for the use of the State.

Sec. 8. And be it further enacted, that in forming and parading a regiment in line for field exercise the cavalry shall be placed on the extreme right, the artillery on the left of the cavalry, the light infantry and grenadiers on the left of the artillery, and the riflemen, if any, on the extreme left of the battalion of infantry. The respective ranks of captains shall in all cases be determined by the dates of their commissions: and if two or more captains hold commissions of the same date, their respective ranks shall be determined by their prior pretensions or former commissions; and if they have no prior

pretensions, the oldest man shall rank first. The cavalry, artillery, light infantry, infantry and riflemen shall be equally under the command of the colonel or other commanding officer of the regiment; and when formed in Regiment, all the music, except cavalry music, shall be placed together as the commanding officer shall direct.

Sec. 9. And be it further enacted, that all students at Dartmouth College belonging to the freshman, sophomore, junior and senior classes, during the time they continue to be members of either of those classes be and they hereby are exempted from military duty.

Sec. 10. And be it further enacted, that the whole of the proviso in the twenty fourth section of the act to which this is in further addition, and all other parts of said act, and of the act or acts in addition thereto, which are inconsistent with the provisions of this Act, be and the same are hereby repealed.

[CHAPTER 38.]

State of)
New Hampshire.)

AN ACT TO ESTABLISH A LINE BETWEEN THE TWO COMPANIES OF MILITIA IN THE TOWN OF WAKEFIELD.

[Approved July 2, 1822. Original Acts, vol. 27, p. 63; recorded Acts, vol. 22, p. 227. Session Laws, 1822, Chap. 38.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the passing of this Act, a line beginning at the dwelling house of Robert Pike on or near the divisional line between said Wakefield and Brookfield running north eighty degrees east to East-pond so called, shall be, and is hereby established the dividing line between the two companies of militia in the Town of Wakefield. Provided nevertheless that the officers now in commission be in no way affected while they perform military duty by virtue of their commission.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE DIRECTORS OF THE NOYES SCHOOL, IN
THE TOWN OF ANDOVER.

[Approved July 2, 1822. Original Acts, vol. 27, p. 64; recorded Acts, vol. 22, p. 228. See additional act of June 26, 1823, *post.*]

Whereas, Joseph Noyes, late of Andover, in the county of Hillsborough, and state aforesaid, deceased, did, by his last will and testament, make provision for the support of a public school in said town, and did therein direct that his executor therein named, should appoint six Directors to carry into effect that provision of said will:

And whereas said executor has, inconformity thereunto, appointed Josiah Badcock, William Proctor, Silas Merrill, John Simonds, John Joseph Bryant, and Robert Barber, directors of said school; Therefore,

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Josiah Badcock, William Proctor, Silas Merrill, John Simonds, John Joseph Bryant, Robert Barber and their successors be and are hereby incorporated and made a body politic and corporate, by the name of the directors of Noyes School in Andover; and shall have and enjoy all the powers and privileges, which by law are incident to similar corporations, with continuance and succession forever.

Section 2 And be it further enacted, that said corporation may purchase, and receive by donation, and hold real and personal estate, to the amount of twenty thousand dollars, five thousand dollars of which shall be free from taxation.

Section 3. And be it further enacted, that Silas Merrill or John Joseph Bryant, may call the first meeting of said corporation, by notifying the members thereof, in writing, of the time and place of said meeting, fourteen days at least, prior to said meeting.

Section 4. And be it further enacted, that the Legislature of this state shall have the right to alter and amend this act of incorporation, when in the opinion thereof the public good may require it.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A MUSICAL SOCIETY IN THE TOWN OF AMHERST.

[Approved July 2, 1822. Original Acts, vol. 27, p. 65; recorded Acts, vol. 22, p. 229.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Charles Richardson, Elijah Mansur, Robert Read, Benjamin Kendrick and their associates, and such as may hereafter becomes associates, be, and they hereby are incorporated, and made a body politick and corporate by the name of the Amherst Sacred Musick Society, and by that name may sue and be sued, prosecute and defend, and are hereby vested with all the powers and privileges incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that said Corporation may take and hold real and personal estate not exceeding the sum of One thousand dollars; and may elect all proper officers, and make and establish all necessary By Laws for the government of said Society.

Sect. 3. And be it further enacted that the persons named in the first section of this act, or any three of them, may call the first meeting of said Society by advertising the same in the newspapers printed at Amherst seven days previous to said meeting.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF PISCATAQUOG LOCK AND CANAL.

[Approved July 2, 1822. Original Acts, vol. 27, p. 66; recorded Acts, vol. 22, p. 230.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Isaac Riddle, William P. Riddle, their Associates, Successors and Assigns, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of the Piscataquog Lock and Canal; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be known and distinguished in all their acts and proceedings; and shall be and hereby are vested with all the powers and privileges of Corporations of a similar nature.

Sec 2. And be it further enacted, That said proprietors be and hereby are authorized and empowered to make, construct and maintain a Lock and such Canal as may be necessarily connected therewith, for the passage of boats and rafts on the northerly side of the north branch of the Piscataquog River in Bedford in the county of Hillsborough; and also, for the purpose of raising the water in said branch to a sufficient height to enter said Lock and Canal, to build and erect a dam across said north branch, and also, a dam across the south branch of said river, extending from the head of the Island to the westerly shore of said branch:—Provided always, that in the dam across the south branch of said river there shall be constructed a sluice-way, twenty five feet wide, which shall be opened by the said Corporation, its agent or lock-tender, at all times when requested for the passage of boats or rafts through said sluice-way, whenever there is a sufficient depth of water for the passage of boats, rafts and floating timber down the river; and provided also, that the dam across the north branch shall be two feet higher than the dam across said south branch; and provided further, that there shall at no time be suffered any unnecessary waste of water to prevent the passage of boats or rafts through said sluice-way, by opening the gates at the Lock—on penalty that said Corporation forfeit and pay for each neglect to comply with the provisions of this section the sum of twenty dollars, to be recovered by any person injured thereby in an action of debt in his own name, and for his own use, in any court of competent jurisdiction.

Sec. 3. And be it further enacted, That either of the persons above named may call the first meeting of said proprietors by giving personal notice of the time and place of meeting at least one week prior thereto; at which said first meeting the said proprietors may agree on the manner of calling their future meetings; and at the same or at any subsequent meeting duly holden, they may elect a clerk and such other officers and agents as they may deem necessary for conducting their concerns; may divide their capital or joint stock into such number of shares as they may deem proper, and agree on the manner of transferring them; may order assessments and fix the time of their payment, and upon the non-payment of such assessments, may sell the delinquent share or shares, or as many of them as may be sufficient to pay said assessments, with incidental charges, at public auction; may pass such by-laws as are not repugnant to the laws of the State, for their regulation and government; and may do and transact any business for carrying into effect the objects of their association.

Sec. 4. And be it further enacted, That said Corporation may purchase, hold and enjoy lands and buildings, and such personal estate as may be necessary and convenient for managing its concerns, to an amount not exceeding three thousand dollars; and the same may sell and dispose of at pleasure.

Sec. 5. And be it further enacted, That for the purpose of reimbursing said Corporation for its expenses in building and keeping in repair said Lock and Canal, a toll be, and hereby is granted and allowed; and the lock-tender appointed by said Corporation is hereby authorized to demand and receive from all and every person passing said Lock and Canal with boats or rafts the following rates of toll, and to stop and detain any person so passing until the same be paid;—That is to say—For every ton of oak timber, ten cents; for every ton of pine timber, four cents; for every ton of masts or bowsprits, eight cents; for every thousand feet of pine lumber, board measure, eight cents; for every thousand feet, like measure, of oak plank or boards, sixteen cents; for every thousand feet, like measure, of ash and other hard wood stuff, twelve cents; for every thousand of pipe staves, twenty five cents; for every thousand of hogshead staves, twenty cents; for every thousand of barrel staves, ten cents; for every thousand of hogshead hoops, twenty cents; for every thousand of barrel hoops, ten cents; for every thousand of hogshead hoop-poles, thirty four cents; for every thousand barrel hoop-poles, seventeen cents; for shooks with heads, reckoning twenty five a ton, shooks without heads, forty a ton, empty hogsheads, twenty a ton, beef and rum barrels, fifty a ton, fish barrels, sixty a ton, and half barrels, eighty a ton, twenty cents for every ton; for every thousand of shingles, two cents; for every thousand clapboards, ten cents; for every ton of merchandize, twenty cents; for every cord of hard wood, six cents; for every cord of pine wood, four cents; for every cord of bark, ten cents; for every hundred of posts and rails, six cents; and other articles not enumerated to be estimated in the same proportion.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TOWN OF HOOKSETT.

[Approved July 2, 1822. Original Acts, vol. 27, p. 67; recorded Acts, vol. 22, p. 233. Session Laws, 1822, Chap. 42. Laws, 1830 ed., p. 315.]

Whereas petitions signed by a number of the inhabitants of Chester, Dunbarton and Goffstown have been presented to the General Court, praying to be incorporated into a separate town and the prayer thereof appearing reasonable;

Therefore,

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that all the lands and inhabitants within those parts of the Towns of Chester, Dunbarton and

Goffstown herein described, to wit, beginning at the northeasterly corner of Manchester, thence on a strait line to the southeast corner of lot No. 60 in the fourth range of lots in Chester, thence on the easterly line of said lot No. 60 and lots No. 71 and 80, northerly to the southwest corner of lot No. 95; thence across a part of said lot No 95 and lot No. 94, south seventy degrees east to the south head line of said lot No. 94; thence north twenty nine degrees east to the southwest corner of Candia; thence northerly on Candia line to Allenstown south line; thence westerly on Allenstown to Merrimack River; thence across said River to the Southeasterly corner of Bow; thence by Bow line to the southerly corner of said Bow; thence running a line due South until it strikes the northerly line of Goffstown; thence westerly on Goffstown line to the northwest corner of Hugh J. Taggart's land; thence southerly to the southwest corner of lot No. 4 in Goffstown, formerly owned by Co^l Robert McGregore; thence easterly on the southerly line of said lot No. 4, and continuing the same course untill it strikes the highway leading from Samuel Poor's to Merrimack River; thence by said highway and including the same to said River; thence up said River to the Northwest corner of Manchester, and thence to the place of beginning,—be, and the same hereby are incorporated into a town by the name of Hooksett; And the inhabitants who now reside or hereafter may reside within the aforesaid boundaries are made and constituted a body politick and corporate, & vested with all the powers, privileges & immunities which other towns in this State, are entitled to enjoy; to remain a distinct town and have continuance and succession forever.

Sec. 2. And be it further enacted, that all monies that are assessed for Schools in the towns of Chester, Dunbarton and Goffstown, shall be divided between the said towns and the several parts of the said town of Hooksett, disannexed from said towns, according to their proportion of the publick taxes; And all funds belonging to said towns of Chester, Dunbarton and Goffstown shall be in like manner divided, reserving to said town of Goffstown the donation given by James Aiken to said Goffstown; And the inhabitants of the town of Hooksett shall pay all taxes now assessed on them by the towns of Chester, Dunbarton and Goffstown respectively; And the said town of Hooksett shall, after the next annual meeting, support all the present poor, including all those who are supported in whole or in part who have gained a settlement in the town of Chester, Dunbarton or Goffstown, by living in that part of either of said towns that is now included in the town of Hooksett; And shall support any poor now residing in any other towns which by law the towns of Chester, Dunbarton and Goffstown may respectively be liable to relieve or support, that have gained a settlement in either of said towns by residing within the boundaries now

constituting the town of Hooksett:—Provided, nevertheless, that this act shall not affect the interest of any of the inhabitants of Chester, Dunbarton and Goffstown, or of the town of Hooksett in any School-house now erected within the same.

Sec. 3. And be it further enacted, that Samuel Head of Chester and William Hall of Dunbarton, or either of them, be empowered to call a meeting of the inhabitants of the said town of Hooksett for the purpose of choosing all necessary town officers, to continue in office untill the annual meeting of said town in March next, and either of them may preside in said meeting until a moderator shall be chosen to govern the same, which meeting shall be holden some time in the month of September next, and shall be warned by posting up a notification fifteen days prior to the time of holding the same at Nathaniel Head's house in Chester, at William Hall's house in Dunbarton, and at David Abbot's house in Goffstown. Provided that all town officers residing within the limits of the town of Hooksett who were chosen by the town of Chester, Dunbarton, or Goffstown, shall continue in their respective offices during the time for which they were elected, with full power to execute the same.—And provided further, that all publick taxes which the towns of Chester, Dunbarton or Goffstown, shall or may be compelled to assess before a new act for proportioning the publick taxes among the several towns in the State shall pass, may be assessed, levied and collected by the proper officers of the said towns of Chester, Dunbarton and Goffstown, upon the inhabitants of the town of Hooksett, in case the Selectmen of said Hooksett neglect to assess, levy and collect their proportion of such publick taxes and pay the same seasonably into the treasuries of the towns of Chester, Dunbarton and Goffstown, in the same way & manner as if this act had not passed, any thing herein to the contrary notwithstanding.

Sec. 4. And be it further enacted, that said town of Hooksett shall be and hereby is annexed to and considered a part of the County of Hillsborough; And that said town be annexed to Senatorial district number three, and to the Eleventh Regiment of militia in this State.

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT CREATING THE OFFICE AND PROVIDING FOR THE APPOINTMENT OF CORN AND GRAIN MEASURERS IN THE TOWN OF PORTSMOUTH.

[Approved July 2, 1822. Original Acts, vol. 27, p. 68; recorded Acts, vol. 22, p. 237. Session Laws, 1822, Chap. 43. Laws, 1824 ed., p. 127; id., 1830 ed., p. 330. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this act the Selectmen of the town of Portsmouth be and hereby are authorized to appoint one or more suitable persons to act as corn and grain measurers within said town whose duty it shall be to measure all corn and grain imported into said town of Portsmouth by sea under the provisions hereinafter made.

Sec. 2. And be it further enacted that the authority of said corn and grain measurers shall not extend to any quantities of corn or grain less than ten bushels; and that the expense of measuring the same shall in all cases be paid by the purchaser.

Sec. 3. And be it further enacted, that for all quantities of corn or grain which may be measured under this act, said corn and grain measurers shall have and receive from the purchasers one cent for each bushel so measured, where the quantity under any one purchase shall not exceed fifty bushels; and where the quantity purchased shall exceed fifty bushels said purchaser shall pay said corn and grain measurers one half cent for each bushel so measured.

Sec. 4. And be it further enacted, that said corn and grain measurers shall use no other measures under this act than such as may be specially provided for this purpose and in strict compliance with law. And when any corn or grain measurer as aforesaid shall in his official capacity use any deception in measuring corn or grain, the person defrauded thereby shall have and recover of said corn or grain measurer four times the Amount of the injury he may thereby sustain, by an action on the case in any Court proper to try the same.

Sec. 5. And be it further enacted, that if any person importing corn or grain as aforesaid shall sell or dispose of any quantity thereof of ten bushels and upwards without having the same measured as is provided in this Act said seller shall forfeit and pay for every bushel so disposed of the sum of twenty cents, to be recovered by action of debt in the name and to the use of said town.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT EXTENDING THE POWERS OF THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE IN CERTAIN CASES.

[Approved July 2, 1822. Original Acts, vol. 27, p. 69; recorded Acts, vol. 22, p. 230. Session Laws, 1822, Chap. 44. Laws, 1824 ed., p. 185; id., 1830 ed., p. 376. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That whenever any person who may have been arrested and in custody, or in prison, to answer for any crime or crimes, offence or offences, before the Superior Court of Judicature shall be acquitted thereof by the petit Jury; or shall not be indicted by the grand jury, by reason of the insanity or mental derangement of such person, and the discharge or going at large of such person shall be deemed by the same court to be dangerous to the safety of the citizens, or the peace of the State the said court be and hereby is authorized and empowered to commit such person to prison, there to be detained till he or she be restored to his or her right mind, or otherwise delivered by due course of law. And every person so committed shall be kept at his or her own expense, if he or she have estate sufficient for that purpose; otherwise at the charge of the county in which such person is committed to prison—

Sec. 2. Be it further enacted, That whenever the grand jury upon any inquiry which they may hereafter make as to the commission of any crime or offence by any person, shall omit to find a bill for the cause aforesaid it shall be the duty of such jury to certify the same to the said court. And whenever the petit jury upon the general issue of not guilty, shall acquit any person for the cause aforesaid, it shall be the duty of such jury, in giving in their verdict of not guilty, to state it was for such cause.

Sec. 3. Be it further enacted, that the Superior court of Judicature, may discharge from confinement any such person when it shall be made to appear to their satisfaction, that the going at large of such person will not be dangerous to the safety of the citizens and to the peace of the State.

Sec. 4. Be it further enacted, That upon the application of any friend or friends of such lunatic person, the Superior Court of Judicature be and are hereby authorised and empowered to commit to the custody and safe keeping of such friend or friends such lunatic person: Provided however that such applicant or applicants shall first give bonds, with sufficient surety or sureties to the Judge of Probate for the county in which such lunatic is confined, conditioned

for the safe keeping of such lunatic person, and for the payment of all damages which any person may sustain by reason of the acts and doings of such lunatic, which bond shall be approved by the court, and may be put in suit for the benefit of persons interested, in like manner as is by law provided in case of probate bonds.

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE NAMES OF SUNDRY PERSONS THEREIN NAMED.

[Approved July 2, 1822. Original Acts, vol. 27, p. 70; recorded Acts, vol. 22, p. 241.]

Sec 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Hogg of Deering take the name of Jonathan Carpenter, That Rebecca Hogg take the name of Rebecca Carpenter. that Cyrus Hogg take the name of Cyrus Carpenter, that Priscilla Hogg take the name of Priscilla Carpenter, that Almena Emeline Hogg take the name of Almena Emeline Carpenter, that Hiram, T, Hogg, take the name of Hiram T, Carpenter, that Daniel, W. Hogg take the name of Daniel W. Carpenter. that Jonathan Hogg Jr. take the name of Jonathan Carpenter Jr,—that Sally Leathers of Alton take the name of Sally Adams, that Lydia Leathers take the name of Lydia Adams, that Mark Leathers take the Name of Mark Adams—that Sally Leathers 2^d take the name of Sally Adams 2nd, that Edward Leathers take the name of Edward Adams, that Paul Leathers take the name of Paul Adams, that Nathan Leathers take the name of Nathan Adams, that James Leathers take the name of James Adams—That John Torr of Rochester take the Name of John Greenfield, John Brown of Dover take the Name of John Joseph Brown, Israel Loveland 3rd of Gilsum take the name of Israel Belding Loveland, Henry Rust 3rd of Wolfborough take the name of Henry Bloomfield Rust, that Susan Pierse Penhallow of Portsmouth take the name of Susan Stevens Penhallow. that Samuel Abbot of Society Land take the name of Samuel Sheldon Abbot, that William Favor of New Chester take the name of William Burton Favor.

Sec. 2. And be it further enacted, that from and after the passing of this act, the several persons herein before named, shall be known and called by the names which by this act they are respectively allowed to take and assume as aforesaid, and that said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT TO CREATE A CORPORATION BY THE NAME OF THE WENTWORTH WOOLLEN AND COTTON FACTORY COMPANY.

[Approved July 2, 1822. Original Acts, vol. 27, p. 71; recorded Acts, vol. 22, p. 242.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Aaron Jewett and those, who may associate with him, and their successors, be and hereby are created a corporation for the purpose of carrying on the manufacture of woollen and cotton cloths in the town of Wentworth, by the name of the Wentworth Woollen and Cotton Factory Company, with power to hold real and personal estate not exceeding one hundred thousand dollars in value; to make by laws for the government and management of the corporation, making and collecting assessments, determining the number of shares, electing officers & prescribing their qualifications and duties, and with all other powers and immunities *incident* to similar corporations.

Sect. 2. And be it further enacted, that said Aaron Jewett may call the first meeting of said corporation by giving notice thereof in writing to each of the proprietors or members of the corporation, fifteen days prior to the time of meeting.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A MUSICAL SOCIETY IN THE TOWN OF HAMPSTEAD

[Approved July 3, 1822. Original Acts, vol. 27, p. 72; recorded Acts, vol. 22, p. 244.]

Section 1st Be it enacted by the Senate & house of Representatives in General Court convened—That Joseph Downer, John Little, Benjamin B. Garland & Jesse Ayer and their associates & such as may hereafter become associates, be, & they hereby are incorporated & made a body politick and corporate by the name of the Hampstead sacred Music society and by that name may sue, & be sued, prosecute & defend and are hereby vested with all the powers and privileges incident to Corporations of a similar nature

Section 2^d Be it further enacted that said Corporation may take and hold real & personal Estate not exceeding the sum of one thousand Dollars & may elect all proper Officers, and make and establish all necessary by-laws for the Government of said society

[CHAPTER 48.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
PRESIDENT, DIRECTORS AND COMPANY OF THE FARMERS' BANK.

[Approved July 3, 1822. Original Acts, vol. 27, p. 73; recorded Acts, vol. 22, p. 245.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Charles Barrett, James Wallace, Humphrey Moore, David Stewart, William Read, Timothy Nichols, Robert Read, Robert Means, jun. E. F. Wallace, their associates, and those who may hereafter become associates in said Bank, their successors and assigns, shall be, and they hereby are created and made a corporation by the name of the President, Directors and Company of the Farmers' Bank; and shall so continue from the first day of March next, until the expiration of twenty years next following; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever; and also, to make, have and use a common seal, and the same again at pleasure to break, alter or renew; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, not repugnant to the laws of the State, as to them shall appear necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation; Subject always to the rules, restrictions, limitations and provisions herein after prescribed.

Sec. 2. And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than fifty thousand dollars, nor more than two hundred thousand dollars, in specie; and shall be divided into one thousand shares; And the stockholders, at their first meeting, shall, by a majority of votes, determine the amount of payments to be made on each share, and the time when they shall be made; also, the mode of transferring and disposing of the stock, and the profits thereof; which being entered on the books of said Corporation, shall be binding on the stockholders, their successors and assigns: Provided, that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his

full proportion of said sum of fifty thousand dollars at least. And said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, & hereditaments, to the amount of ten thousand dollars, and no more at any one time; with power to bargain, sell, and dispose of the same; and to loan and negotiate their monies and effects, by discounting on banking principles, on such personal security as they shall think advisable.

S^{EC}. 3. And be it further enacted, That the following rules, limitations and provisions, shall form and be the fundamental articles of said Corporation:—

1st. That the said Corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said Bank. And in case any cashier, director, or other officer of said Bank, at any time, shall knowingly issue, or order, direct, or cause to be issued and put in circulation bills, notes or obligations of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, director or other officer, shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2d. That dividends may be made, semi-annually, among the stockholders of said Bank, of the interest and profits actually received; but no part of the capital stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among or paid to the stockholders without the licence of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or, order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars: Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention, by advertisement in two newspapers, published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said Corporation.

3d. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by reason of bad or desperate debts due to the Bank, or other means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by

the stockholders, or by appropriations therefor of the interest and profits actually received.

4th. That said Corporation shall not vest, use nor improve any of its monies, goods, chattels or effects, in trade or commerce; but may sell all kinds of personal pledges lodged in its possession by way of security, to an amount sufficient to reimburse the sum or sums loaned.

5th. That none but a member of said Corporation, being a citizen of this State and resident therein, shall be eligible for a director; and the directors shall choose one of their own number to act as president. The cashier, before he enters on the duties of his office, shall give bond with two or more sureties to the satisfaction of the board of directors, in a sum not less than ten thousand dollars, with condition for the faithful performance of the duties of his office.

6th. That for the well ordering of the affairs of said Corporation, a meeting of the stockholders, from and after their first meeting, shall be holden at such place as they shall direct, on the first Monday of March annually, and at any other time during the continuance of said Corporation, at such place as may be appointed by the president and directors for the time being, by public notification being given at least two weeks prior thereto:—at which annual meeting, there shall be chosen by ballot seven directors to continue in office the year ensuing their election; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion; that is to say—For every one share, one vote; for every two shares above one, and not exceeding twenty, one vote; for every three shares above twenty, one vote: provided, that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy, being authorized in writing, signed by the person represented, and filed with the cashier.

7th. That no director shall be entitled to any emolument for his services; but the stockholders may make the president such compensation as to them shall appear reasonable.

8th. That no less than four directors shall constitute a board for the transaction of business, of whom the president shall be one, except in cases of sickness or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.

9th. That all bills issued from the Bank aforesaid, signed by the president and countersigned by the cashier shall be binding on said Corporation.

10th. That the directors shall appoint a cashier, clerks, and such other officers, agents or servants, for conducting the business of the Bank with such salaries as to them may seem just and proper.

11th. That said Bank shall be established and kept in the town of Amherst in the county of Hillsborough.

12th. That the Legislature shall at all times have the right, by persons duly appointed for that purpose, to examine into the state and condition, and all the doings and transactions of said Corporation, and of its officers, relating to the same; for which purpose all the books and papers of the Corporation, together with its money and security for money, shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition and transactions of said Bank.

Sec. 4. And be it further enacted, That the said Charles Barrett, Humphrey Moore, and Robert Means, junior, or either two of them may call a meeting of the members of said Corporation, as soon as may be, at such time and place as they may see fit, by advertisement in either of the newspapers printed in Amherst, at least two weeks prior to the time of meeting, for the purpose of making and establishing such by-laws, ordinances and regulations as the said members may deem necessary, and for the choice of the first board of directors, and such other officers as they may see fit to choose.

Sec. 5. And be it further enacted, That all penalties incurred for the breach of any of the provisions of this act, may be recovered by information or suit in the name of the State.

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE SOUHEGAN WOOLLEN FACTORY.

[Approved July 3, 1822. Original Acts, vol. 27, p. 74; recorded Acts, vol. 22, p. 251.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Seth King, John Preston, their associates, successors and assigns, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of the Souhegan Woollen Factory; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings; and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That said Corporation be, and hereby is authorized to carry on the manufacture of Woollen Goods, and such other branches of business as shall be necessarily or conveniently connected therewith, at Mason in the county of Hills-

borough; and may erect such mills, dams, buildings and machinery as may be necessary or convenient for conducting and carrying on these useful manufactures.

Sec. 3. And be it further enacted, That said Corporation may purchase and hold such real and personal estate as may be necessary or useful in conducting the business aforesaid, and for the convenient management thereof upon the present or a more enlarged scale, not exceeding fifty thousand dollars; and the same may sell, alienate and dispose of at pleasure.

Sec. 4. And be it further enacted, That either of the persons above named may call the first meeting of said proprietors, at any suitable time and place, by advertisement in either of the newspapers printed at Amherst, twenty days at least previous thereto, or by giving at least ten days' personal notice of the time and place of meeting:—At which the said proprietors may agree on the method of calling their future meetings; and at the same, or at any subsequent meeting, they may choose a clerk, and all other necessary officers for conducting the concerns of said Corporation; may divide their capital or joint stock into such number of shares as they may deem proper, and agree upon the method of transferring them; may order assessments, and fix the time of their payments may pass such by-laws, not repugnant to the laws of the State, as they may deem proper for their regulation and government, and do and transact any business necessary to carry into effect the objects of their association. All questions shall be determined by a majority of votes present or represented at any meeting, accounting and allowing one vote to each share in all cases, except the raising of money, which shall require three fourths of the whole number of votes present; and absent members may vote by proxy, being authorized in writing signed by the person represented.

Sec. 5. And be it further enacted, That the share or shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the non-payment thereof within the time prescribed for their payment, the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as said Corporation may in its by-laws prescribe.

[CHAPTER 50.]

State of {
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF BOW
SOCIAL LIBRARY SOCIETY.

[Approved July 3, 1822. Original Acts, vol. 27, p. 75; recorded Acts, vol. 22, p. 253.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Asa Goodhue Jonathan Brown and Abraham Colby, and their Associates, Proprietors of said Library, and all such as are or may, hereafter, become proprietors of said Library, be, and they hereby are, incorporated into and made a body politic and corporate by the name and style of the Bow Social Library Society with continuance and succession forever; and in that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and privileges of corporations of a similar nature, and may enjoin penalties of disfranchisement or fine, not exceeding four dollars for each offence; to be recovered by action of debt, to their use—in any Court of Competent Jurisdiction; and may purchase and receive subscriptions, grants and donations of personal property not exceeding the sum of one thousand dollars, for the use of their association—

Sec. 2 And be it further enacted, That said proprietors be and they hereby are authorized and empowered to meet at Bow aforesaid on the First Monday of September annually to choose all such officers as may be found necessary for the orderly conducting of the affairs of said association who shall continue in office until others are chosen in their room; and the said Corporation may convene as often as may be found necessary for filling up of any vacancies that may happen in said offices, and for transacting all other business for the benefit of said Corporation, excepting the raising of money, which shall be done at their annual meeting, and at no other time. At which annual meeting they shall vote all such sums as shall be necessary for defraying the annual expense of preserving said Library, and for enlarging the same; and may make and establish a Constitution, rules and by laws for the government of said Corporation. Provided the same be not repugnant to the Constitution and laws of this State.

Sec. 3^d—And be it further enacted, That the persons above named, or any two of them, be and they hereby are authorized and empowered to call the first meeting of said Corporation, at such time and place as may be judged proper, in said town of Bow, by posting up a notification of the same at the meeting house in said

Town, and at some other public place therein at least fifteen days before the time of holding said meeting, and to preside in said meeting until a Moderator shall be chosen; and the Proprietors at said Meeting, shall have all the power and authority to establish such by laws and choose all such officers as they may or can do by virtue of this act at their annual meeting

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT TO REPEAL THE LAST SECTION OF AN ACT ENTITLED "AN ACT TO ESTABLISH A LITERARY FUND TO BE COLLECTED FROM THE SEVERAL BANKING CORPORATIONS WITHIN THIS STATE.

[Approved July 3, 1822. Original Acts, vol. 27, p. 76; recorded Acts, vol. 22, p. 256. Session Laws, 1822, Chap. 51. Laws, 1824 ed., p. 112; id., 1830 ed., p. 326. The act referred to is dated June 29, 1821, *ante*, p. 37. See acts of December 31, 1828, *post*; July 1, 1830, Session Laws, 1830, Chap. 29, and July 2, 1831, id., 1831, Chap. 44.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the last section of an act entitled "An Act to establish a literary fund to be collected from the several banking corporations within this State," passed June 29, 1821, be and hereby is repealed.

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT TO DISANNEX THE FARM OF NATHANIEL CARLTON OF BARTLETT FROM THE TOWN OF BARTLETT AND ANNEX IT TO THE TOWN OF ADAMS

[Approved July 3, 1822. Original Acts, vol. 27, p. 77; recorded Acts, vol. 22, p. 257.]

Sec 1. Be it enacted by the Senate and House of Representatives in general court convened, that a tract of land the property of Nathaniel Carlton of Bartlett lying in the town of Bartlett near the foot of Thorn Mountain and adjoining the highway which leads from Bartlett to Adams, and being the farm on which the said Nathaniel Carlton now lives, be and the same is hereby disannexed from the town of Bartlett and annexed to the town of Adams

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT, EMPOWERING THE SEVERAL JUDGES OF PROBATE, TO LICENCE EXECUTORS, ADMINISTRATORS, AND GUARDIANS, TO SELL REAL ESTATE IN CERTAIN CASES, AND FOR PERPETUATING THE EVIDENCE OF SUCH SALES.

[Approved July 3, 1822. Original Acts, vol. 27, p. 78; recorded Acts, vol. 22, p. 258. Session Laws, 1822, Chap. 53. Laws, 1824 ed., p. 172; id., 1830 ed., p. 369. See acts of July 2, 1822, *ante*, p. 123; July 1, 1825; June 30, 1826, and January 2, 1829, *post*; June 29, 1829, Session Laws, 1829, Chap. 26, and June 28, 1834, id., 1834, Chap. 183. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened

That whenever license shall be granted by the Judge of Probate of any County in this State, to any Guardian to sell the real estate of his ward, in pursuance of the Act, to which this is in addition, the Wife of the ward may transfer her right in such estate by joining with the Guardian in conveyance of the same, in as full and ample a manner, as she might do, by joining in such conveyance with her husband while under no legal impediment.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NEW HAMPSHIRE COTTON & WOOLLEN FACTORY AT HILLSBOROUGH.

[Approved July 3, 1822. Original Acts, vol. 27, p. 79; recorded Acts, vol. 22, p. 259. The act referred to is dated June 20, 1811, Laws of New Hampshire, vol. 8, p. 39. See also act of June 24, 1817, id., p. 631.]

Sec. 1.—Be it enacted by the Senate and House of Representatives in General Court convened; That from and after the passing of this act, each member of The New Hampshire Cotton and Woollen Factory at Hillsborough present or represented at any legally notified meeting thereof shall have a right to vote at such meeting according to the number of shares he owns, that is to say, one vote for each share, any thing in the act to which this act is an amendment to the contrary notwithstanding: Provided nevertheless that this act shall not take effect until assented to by every member of said corporation.

[CHAPTER 55.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE FIRST CONGREGATIONAL CHURCH IN NELSON.

[Approved July 3, 1822. Original Acts, vol. 27, p. 80; recorded Acts, vol. 22, p. 260.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Gad Newell, Noah Hardy, John White, Josiah Robbins, their Associates and Successors, be, and they hereby are incorporated and made a body politic, by the name of the First Congregational Church in Nelson; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings; and shall be, and hereby are vested with all the powers and privileges incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That said Corporation be, and hereby is made capable in law to have, hold, purchase and receive by gift, grant or otherwise, any estate, both real and personal, not exceeding in value the sum of six thousand dollars; and the same may possess and enjoy, or sell, alienate and dispose of at pleasure.

Sec. 3. And be it further enacted, That the reverend Gad Newell, or any two of the other persons before named may call the first meeting of the members of said Corporation at any suitable time, at the meeting-house in said Nelson, by a notification for that purpose, posted at said meeting-house, at least fourteen days prior thereto, expressing therein the time, place and design of said meeting:—at which they may choose a Clerk, and at the same, or at any subsequent meeting the said members may choose all such officers as they may deem necessary and convenient for the prudent management of their concerns; may agree on the time of holding their annual meeting, and the manner of calling that and other occasional meetings; may prescribe such by-laws, not repugnant to the laws of the State, as they may think proper for the regulation and government of said Corporation; and may do and transact any business necessary to carry into effect the beneficial designs of their association.

[CHAPTER 56.]

State of)
New Hampshire.)

AN ACT TO CHANGE THE PLACE OF HOLDING THE FEBRUARY TERM OF THE SUPERIOR COURT OF JUDICATURE AND THE JANUARY TERM OF THE COURT OF SESSIONS IN THE COUNTY OF ROCKINGHAM.—

[Approved July 3, 1822. Original Acts, vol. 27, p. 81; recorded Acts, vol. 22, p. 261. Session Laws, 1822, Chap. 56. Repealed by act of July 1, 1823, *post.*]

Sec. 1. Be it enacted in the Senate and House of Representatives, in General Court convened, that after the first day of March next the Term of the Superior Court of judicature which is holden at Portsmouth on the third Tuesday of February annually in the County of Rockingham in this State and the Term of the Court of Sessions which is holden at said Portsmouth on the third Tuesday of January annually be holden at Concord in said county, Provided a suitable building for the accommodation of said courts shall be erected and furnished for that purpose, without expense to said county and notice thereof shall be lodged with the Clerk of said court certified by the selectmen of said Concord six weeks prior to the third Tuesday of January A. D. eighteen hundred and twenty four.

Sec. 2. And be it further enacted, that all writs, venires, recognizances, appeals, actions, indictments, warrants and processes of every kind, which may be made returnable to said Superior Court of Judicature at said Portsmouth on the third Tuesday of February A.D. one thousand eight hundred and twenty four shall be returned to and sustained by said court at said Concord and all petitions, orders, notices and processes of every kind which may be made returnable to said court of sessions at said Portsmouth on the third tuesday of January A.D. one thousand eight hundred and twenty four shall be returned to and sustained by said Court of Sessions at said Concord, provided the conditions of this act are performed—

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A MUSICAL SOCIETY BY THE NAME OF THE
MARTIN LUTHER SOCIETY IN BOSCAWEN.

[Approved July 3, 1822. Original Acts, vol. 27, p. 82; recorded Acts, vol. 22, p. 263.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that John Rogers, Joshua C. Plumer, Jeremiah Gerrish Jun^r and Joseph Morrill, and their associates and such others as may hereafter become members of said Society, be and they hereby are made a Corporation by the name of the Martin Luther Society in Boscawen, and by that name may sue and be sued, defend, and be defended, in all cases whatever, and shall be and hereby are vested with all such powers, and privileges, as are usually enjoyed by Corporations of a similar nature.

Section 2^d And be it further enacted that the two first named persons or either of them may call the first meeting of said Society at any suitable time, and place, in said Boscawen, by posting up a notification for that purpose at one or more public places in said Boscawen; at least ten days prior to said day of Meeting. At which meeting the Members thereof shall choose a Clerk, and such other Officers as they shall think proper, and may on that, or at any future meeting, agree on the method of calling annual, and other meetings, and the time of holding their annual meetings; and may adopt and establish all rules, and by laws, for their regulation, and government, which are not contrary to the Constitution and Laws of this State: and may order such assessments as they shall think proper.

Section 3^d And be it further enacted that said Society may receive, hold, and enjoy, by gift, grant, or otherwise, personal estate, not exceeding five hundred dollars, and the same may sell and dispose of at pleasure, for the use, and benefit, of said Society.

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE
 SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF NEW-
 CASTLE BRIDGE, PASSED JUNE 1821.

[Approved July 3, 1822. Original Acts, vol. 27, p. 83; recorded Acts, vol. 22, p. 264. See act referred to, *ante*, p. 9. See also acts of February 26, 1778, Laws of New Hampshire, vol. 4, p. 143; January 12, 1790, *id.*, vol. 5, p. 477; June 14, 1800, *id.*, vol. 6, p. 637; July 3, 1872, Session Laws, 1872, Chap. 116, and July 2, 1873, *id.*, 1873, Chap. 122.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, That the proprietors of New-Castle Bridge and those who may hereafter become proprietors thereof, are hereby empowered to purchase and hold in fee simple Real Estate in the town of New-Castle;—Provided however that such estate shall not exceed six thousand dollars.

Section 2^d And be it further enacted that said proprietors shall have power to make such assessments as may be necessary to purchase said Real Estate; and the same may collect by sale of the shares of delinquent proprietors

Section 3^d, And, be it further enacted, That this act shall not take effect without the consent of all the members of said Corporation first had and obtained.

[CHAPTER 59.]

State of }
New Hampshire. }

AN ACT MAKING PROVISION FOR THE SALE ON EXECUTION OF ALL
 RIGHTS IN EQUITY OF REDEEMING REAL ESTATE MORTGAGED.

[Approved July 3, 1822. Original Acts, vol. 27, p. 84; recorded Acts, vol. 22, p. 265. Session Laws; 1822, Chap. 59. Laws, 1824 *ed.*, p. 128; *id.*, 1830 *ed.*, p. 104. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court, convened, that all rights in equity of redeeming real estate *hereafter* mortgaged shall be liable to be attached on mesne process, and taken in execution upon judgment, for the payment of the just debts of the mortgager or owner, and the officer having such execution is hereby authorized to make sale of such right or rights in equity at public vendue and to make, execute, acknowledge and deliver to the highest bidder a good and suf-

ficient deed or deeds of any estate so sold, in manner as is hereinafter provided.

Sec. 2. And be it further enacted, that the officer having such execution, shall give notice in writing of the time and place of sale, to the debtor in person, or by leaving the same at his last and usual place of abode, provided such debtor be an inhabitant of this State, and public notice of the said time and place of sale, by posting up notifications thereof in two or more public places in the town or place in which such mortgaged estate is situated, thirty days, at least, previous to the time of sale.—And in case the debtor is not an inhabitant of this State, the officer shall cause an advertisement of the time and place of sale to be published three weeks successively before the day of sale, in some public newspaper printed in the county, in which such real estate lies, if any such there be, if not, in any public newspaper printed in the State. And the notifications being commenced and posted up within the space of thirty days after judgment rendered, whereon such execution shall issue, the attachment shall hold the right of equity attached as aforesaid until the levy of such execution can be completed in manner hereinafter described. And in case the estate notified for sale as aforesaid shall not be disposed of at the time and place appointed, the officer shall adjourn the vendue, not exceeding three days, and so from time to time, until the sale shall be completed, provided that all such adjournments shall not exceed the term of twenty days. Provided nevertheless, that all sales by virtue of this act, shall be between the hours of ten of the clock in the forenoon, and six of the clock in the afternoon.

Sec. 3. And be it further enacted, that all deeds, made and executed in pursuance of the provisions of this act, shall be as effectual to all intents and purposes to convey the debtor's right in equity aforesaid to the purchaser, his heirs and assigns, as if such deed had been made and executed by such debtor or debtors.—Provided always, that every such debtor, his heirs or assigns shall have liberty to redeem the right in equity so sold, within one year next after executing the deed or deeds thereof in manner aforesaid, by paying the sums, which may, by such sale, have been satisfied on such execution, together with all the costs and charges of levying the same, with the interest thereof. And in case the purchaser of any such right in equity shall have satisfied, and paid to the mortgagee, his heirs or assigns, the sum due on said mortgage, the mortgager shall have the right to redeem such mortgaged estate of such purchaser, or any one holding under him, at such time and in such way and manner only as he might have redeemed the same, had no such sale of the right in equity been made.

Sec. 4. And be it further enacted, that from and after the passing of this act, where any right in equity of redeeming real estate which may be mortgaged, shall be attached on mesne process, and

pending the attachment such mortgaged real estate shall be redeemed by the mortgager, the attaching creditor shall have the same lien on such estate, as though the attachment had been of the fee, and execution may be levied thereon accordingly.

Sec. 5. And be it further enacted, that when the rights in equity of redeeming real estate mortgaged of any person or persons in this State shall be attached on mesne process, by virtue of any writ or precept, the officer, making such attachment, shall make the service and return on such writ or precept in the same way and manner as is required by law, when real estate is attached on mesne process.

Sec. 6. And be it further enacted, that where any right in equity as aforesaid shall be sold by virtue of the provisions of this act, the officer having the execution, whereon the same shall be sold, shall immediately make and execute a good and sufficient deed of such right in equity to the purchaser, which deed shall be in the form following, to wit:

Know all men by these presents that I _____ sheriff, (or one of the deputy sheriffs as the case may be.) of the county of _____ in the State of New Hampshire, do by virtue of the authority in me vested by the law of this State regulating the attachment and sale of rights in equity of redeeming real estate mortgaged, and by virtue of an execution which issued upon a judgment recovered by _____ plaintiff, against _____ defendant at the Superior Court of Judicature holden at _____ within and for the county of _____ on the _____ Tuesday of _____, and in consideration of the sum of _____ to me in hand before the delivery hereof paid by _____ of _____ in the county of _____ and State of _____ hereby sell and convey to him the said _____ his heirs and assigns all the right in equity which the said _____ had of redeeming (here describe the real estate, the right in equity of redeeming which may be sold)

To have and to hold the said granted right in equity to him the said _____ his heirs and assigns forever—the same being subject, however, for the term of one year next after the day of the date hereof, to the right of redemption agreeably to the provisions of the law, by virtue of which this conveyance is made.—And I the said _____ do hereby covenant with the said _____ that I have in my said capacity good right to sell and convey the same in manner aforesaid—and that I have observed and pursued all the requisitions imposed on the Sheriff of said county or his deputies, by the law, by virtue of which this conveyance is made. In witness whereof I have hereunto set my hand and seal this day of _____ Anno Domini _____ Signed, sealed and delivered _____ in presence of us _____

Sec. 7. And be it further enacted, that whenever an officer shall have in his hands any money arising from the sale of any equity of redemption, more than sufficient to satisfy the execution or executions on which such equity was taken and sold, such officer shall apply the same surplus money, or such part thereof as may be necessary to the payment of any other execution which he may have in his hands unsatisfied against the same debtor, any thing in this or any other law of this State to the contrary notwithstanding. Provided however, that if such equity of redemption shall before such sale have been attached on mesne process, other than that on which such execution shall have issued or shall have been taken on some other execution, and the said officer is duly notified thereof he shall hold such surplus monies, subject to such attachment or execution, and shall apply the same to the payment of the execution, which may issue on the judgment that may be rendered on such mesne process, and delivered to him within thirty days after the rendition of such judgment or to the payment of the execution by which such equity of redemption had been taken according to the priority in regard to time of such attachment, or taking in execution. And the surplus monies, if any there shall be, arising from such sale beyond satisfying such execution or executions and the necessary intervening charges thereon, the officer shall return to the debtor, his executor, administrator or assigns on demand.

Sec. 8. And be it further enacted, that any rents or profits which any purchaser or any under him of such right in equity, may have received over and above the repairs and improvements made by him the said purchaser, or any under him, may be sued for and recovered in an action on the case before any court competent to try the same. Provided however, that such purchaser or any claiming under him shall have the right of tendering to the person or persons entitled to such rents or profits at any time before the commencement of any such action, the amount that may be justly due over and above the repairs and improvements made by him the said purchaser, or any under him; or after the commencement of such action, may have leave to bring money into court to satisfy the damage the plaintiff has sustained, and the costs already accrued; and in case the Jury shall not assess greater damages than the money tendered or brought into court, the defendant shall recover of the plaintiff his reasonable costs.

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH THE RATE AT WHICH BANK SHARES SHALL BE VALUED, IN MAKING AND ASSESSING DIRECT TAXES.

[Approved July 3, 1822. Original Acts, vol. 27, p. 85; recorded Acts, vol. 22, p. 271. Session Laws, 1822, Chap. 60. Laws, 1824 ed., p. 113; id., 1830 ed., p. 552. See act of December 16, 1812, Laws of New Hampshire, vol. 8, p. 183. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that hereafter all the bank shares, owned in this state, shall be rated and taxed in all direct taxes, at one half of one per cent instead of three fourths of one per cent; any law or custom to the contrary notwithstanding.

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT FOR THE PRESERVATION OF PICKEREL IN THE WATERS OF THE PONDS IN THE TOWN OF PELHAM.

[Approved July 3, 1822. Original Acts, vol. 27, p. 86; recorded Acts, vol. 22, p. 271. Session Laws, 1822, Chap. 61. Laws, 1824 ed., p. 125; id., 1830 ed., p. 258. Repealed June 28, 1831, Session Laws, 1831, Chap. 27.]

Be it enacted by the Senate and House of Representatives in General Court convened, That if any person shall catch, kill or destroy any of that kind of fish, called Pickerel, in any of the following ponds in the town of Pelham, towit, Gumpos, Island, North and so much of Long pond, as lies within said town of Pelham, between the first day of November in each year and the first day of May following, such person, so offending, for every pickerel so caught, killed or destroyed, shall forfeit and pay the sum of two dollars, with costs of suit; which penalty may be sued for and recovered by any person in an action of debt, before any magistrate, or court, authorized by law to hear and determine the same; one half to the person suing, and the other half to the town in which the offence shall be committed.

[CHAPTER 62.]

State of }
 New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT REQUIRING CERTAIN PERSONS TO ACCOUNT TO THE ADJUTANT GENERAL, AND VESTING CERTAIN POWERS IN THAT OFFICER, APPROVED JUNE 29, 1821.

[Approved July 3, 1822. Original Acts, vol. 27, p. 87; recorded Acts, vol. 22, p. 273. Session Laws, 1822, Chap. 62. Laws, 1824 ed., p. 90. See act referred to, *ante*, p. 47. See also acts of December 22, 1820, Laws of New Hampshire, vol. 8, p. 955; June 27, 1821, *ante*, p. 23; July 2, 1822, *ante*, p. 135. and June 12, 1824, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the Adjutant General be, and he hereby is authorized and empowered to examine into any and all cases of omission or neglect, which heretofore have occurred, or may occur, to make the returns required by the "act for arranging, forming and regulating the militia" passed Dec. 22, 1820—the act in addition thereto, passed June 27, 1821, and the act in further addition thereto, passed at the present session—and to report a statement of facts to the Commander in Chief: And if in the opinion of the Commander in Chief the said omissions or neglect arose from circumstances which ought to excuse the person or persons so omitting or neglecting, from paying said fines and penalties, he may direct the Adjutant General to omit to prosecute or suspend indefinitely any prosecution or prosecutions which may have been commenced.

Sec. 2. And be it further enacted, that the sixth section of the act to which this is in addition, be, and the same is hereby repealed; Provided however, that any examination, already commenced under the authority of the said sixth section, may be continued and closed under the authority of this act.

[CHAPTER 63.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO RESTORE CERTAIN ESTATES TO THEIR ORIGINAL CONNECTION WITH THE TOWN OF PIERMONT, PASSED JULY FIRST ONE THOUSAND EIGHT HUNDRED AND NINETEEN.

[Approved July 3, 1822. Original Acts, vol. 27, p. 88; recorded Acts, vol. 22, p. 274. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 823.]

SECT. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the act to which this is in addition shall be so construed as to annex all the real estate and lands now owned by Simon Smith which adjoin and are contiguous to the lands on which he now resides, to the town of Wentworth, any thing in said Act to the contrary notwithstanding.

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE.

[Approved July 4, 1822. Original Acts, vol. 27, p. 89; recorded Acts, vol. 22, p. 275. Session Laws, 1822, Chap. 70.]

SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be raised, for the use of this State the sum of thirty thousand dollars; which sum shall be assessed, collected and paid into the Treasury on or before the first day of January in the year of our Lord, one thousand eight hundred and twenty four. And the Treasurer be and hereby is directed seasonably to issue his warrants to the selectmen or assessors of the several towns, parishes and districts within this State according to the last proportion act; and the Selectmen and assessors of the several towns, parishes and districts aforesaid, are hereby respectively to assess the sums specified in the Treasurer's warrants, and cause the same to be paid into the Treasury of this State on or before the first day of January in the year of our Lord one thousand eight hundred and twenty-four. And the Treasurer may issue extents for all taxes that may then remain unpaid.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED
DURING THIS SESSION.]

1822, June 26.

Resolved, that the Trustees of New Hampton Academy receive at the expense of this State One of Carrigain's maps of the State of New-Hampshire and if there are none belonging to the State, that they receive one of the Proprietor and author who shall be allowed a reasonable compensation therefor

[House Journal, 1822, p. 285. Senate Journal, 1822, p. 128. Original Acts, vol. 27, p. 90.]

1822, June 26.

Resolved, that the town of Center-Harbor hereafter have leave to send a representative to the General Court of this State, until such time as the Legislature shall otherwise order.

[House Journal, 1822, p. 193. Senate Journal, 1822, p. 126. Original Acts, vol. 27, p. 91.]

1822, June 28.

Resolved that the following sums be appropriated for the purposes herein mentioned—that is to say—the sum of four hundred and fifty-six dollars for the annual allowance to the several companies of artillery:—six hundred dollars for the purchase of musical instruments—seventy eight dollars for making regimental returns—one hundred dollars for the purchase of colors—one hundred and fifty dollars for printing and stationery for the adjutant general's office—one hundred and fifty dollars for contingencies of said office—seven hundred dollars for the purchase of two pieces of ordnance and apparatus complete for the 7th and 23d regiments, and one hundred dollars for the repairs of gun houses:—and His Excellency the Governour is hereby authorized by warrant on the Treasury to draw said sums therefrom, at such times as he may think proper, and deliver the same to the Adjutant-general, who is hereby required to apply the same to the purposes above specified, so far as may be necessary, and render an account thereof, to the Legislature.

[House Journal, 1822, p. 395. Senate Journal, 1822, p. 161. Original Acts, vol. 27, p. 92.]

1822, June 28.

Resolved, on the statement of facts, reported by the standing military committee, that the Adjutant General be authorized to dismiss an action which he caused to be commenced, and which is now pending, in the Superior Court of Judicature in the County of Cheshire, against Evi Pierce, late Col. commandant of the 6th Regiment of militia: The said Pierce paying all costs that have already arisen thereon.

[House Journal, 1822, p. 398. Senate Journal, 1822, p. 161. Original Acts, vol. 27, p. 93.]

1822, July 3.

Resolved, that the sum of two hundred and fifty dollars be and the same is hereby appropriated for the purpose of promoting the interest of agriculture and domestic manufactures in this State in the following manner, viz—to the board of agriculture for this State the sum of two hundred and fifty dollars—

And be it further resolved, that it shall be the duty of the board of Agriculture for this State to appropriate the sum herein granted them in the following manner, to wit—in defraying the necessary expenses in procuring and preparing materials for, and the publication of, a pamphlet agreeably to the provisions of an act entitled “An act to institute, and provide for the organization of a board of Agriculture for this State passed December 19. 1820; And the residue in such manner as said board may consider most conducive to the interests of agriculture and domestic manufactures in this State—And the Treasurer of this State is hereby directed to pay said sum of two hundred and fifty dollars to the Treasurer of said board of Agriculture—And it shall be the duty of said board of Agriculture to render to the legislature at the next June session an account of the manner in which the aforesaid sum or any part thereof shall have been expended.

[House Journal, 1822, p. 412. Senate Journal, 1822, p. 232. Original Acts, vol. 27, p. 94.]

1822, July 3.

Resolved, that the Secretary of State be directed to forward, as soon as may be, to the office of the Secretary at War at Washington all the papers, documents and vouchers necessary to substantiate the account of this State against the United States.

Resolved that his Excellency the Governor be authorized and requested to appoint an agent on the part of this State, to adjust, during the next session, the claims of this State against the United States, for which service he shall be paid out of the Treasury of this State a reasonable compensation.

[House Journal, 1822, p. 471. Senate Journal, 1822, p. 222. Original Acts, vol. 27, p. 95.]

1822, July 3.

Resolved, that the sum of one thousand dollars of any money in the Treasury of this State be and the same is hereby appropriated for the purpose of educating deaf and dumb children belonging to this State at the Asylum in Hartford, Connecticut:—which sum may be divided and applied for the benefit of such persons and in such manner as his Excellency the Governor shall think proper.—And the Governor is hereby authorized by warrant on the Treasurer to draw said sum from the Treasury.

[House Journal, 1822, p. 483. Senate Journal, 1822, p. 208. Original Acts, vol. 27, p. 96.]

1822, July 4.

Resolved, that Major General Timothy Upham, Brigadier General Edward J. Lang and Colonel Joshua W. Peirce, be appointed a committee to examine the United States Cavalry and Artillery discipline, and such works in reation to Cavalry and Artillery discipline as they think expedient, and recommend a system of Cavalry discipline for this State, and report the same to the Legislature at the next session—

[House Journal, 1822, p. 500. Senate Journal, 1822, p. 233. Original Acts, vol. 27, p. 97.]

[THIRTY-SECOND GENERAL COURT.]

[*Held at Concord, One Session, June 4, 1823, to July 3, 1823.*]

[OFFICERS OF THE GOVERNMENT.]

LEVI WOODBURY, GOVERNOR.
 SAMUEL SPARHAWK, SECRETARY.
 RICHARD BARTLETT, DEPUTY SECRETARY.
 WILLIAM PICKERING, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 DAVID L. MORRIL, PRESIDENT OF THE SENATE.
 ANDREW PIERCE, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Hunking Penhallow,	Portsmouth.
Daniel C. Atkinson,	Sanbornton.
Jonathan Harvey,	Sutton.
Elijah Belding,	Swansey.
Ezra Bartlett,	Haverhill.

[MEMBERS OF THE SENATE.]

Langley Boardman,	Portsmouth.
John Kimball,	Exeter.
David L. Morrill,	Goffstown.
Ezekiel Morrill,	Canterbury.
Nehemiah Eastman,	Farmington.
Pearson Cogswell,	Gilmanton.
John Wallace, Jr.,	Milford.
Thomas W. Colby,	Hopkinton.
John Wood,	Keene.
Gawen Gilmore,	Acworth.
James Poole,	Hanover.
Stephen P. Webster,	Haverhill.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Allenstown,	Sterling Sargent.
Atkinson and)	John Bassett, Jr.
Plaistow,)	
Bow,	John Brown.
Brentwood,	Simon Fellows.
Candia,	John Lane, Jr.
Canterbury,	Richard Greenough.

Chester,	Samuel Aiken, Jr.
Deerfield,	William Graham.
East Kingston,	Jacob Freese.
Epping,	John S. Jenness.
Epsom,	Joseph Currier.
Exeter,	William Stearns.
	Richard Tripp.
	Oliver W. B. Peabody.
	William Smith, Jr.
Greenland,	Joseph Weeks.
Hampstead,	James Knight.
Hampton,	Edmund Toppan.
Hampton Falls,	Jeremiah Blake.
Hawke and {	Abraham S. French.
Sandown, }	Robert Mack.
Londonderry,	James Thom.
Loudon,	Samuel French, Jr.
Newington,	William Fabyan.
Newmarket,	Arthur Branscomb.
Newton,	Matthias Bartlett.
Northfield,	James Cofran.
North Hampton,	Joshua Pickering.
Northwood,	Joel B. Virgin.
Nottingham,	Henry Butler.
Pelham,	James Hobbs.
Pembroke,	Boswell Stevens.
Pittsfield,	Ebenezer Knowlton.
Poplin,	John Scribner.
Portsmouth,	Andrew W. Bell.
	William Claggett.
	Estwicke Evans.
	Nathaniel A. Haven, Jr.
	John N. Sherburne.
	Thomas Dearborn.
Raymond,	Amos Seavey.
Rye,	John Clindenin.
Salem,	John Locke.
Seabrook,	Joseph Currier.
South Hampton,	Daniel Veasey.
Stratham,	Jonathan Parker.
Windham,	

STRAFFORD COUNTY.

Alton,	Stephen Davis.
Barnstead,	Charles Hodgdon, Jr.
	John Peavy.

Barrington,	Elisha Woodbury.
Center Harbor,	Hugh Kelsea.
Conway,	David Webster.
Dover,	James Bartlett.
	William Hale.
	Andrew Peirce.
Durham,	Robert Mathes.
Eaton,	Daniel Lary.
Farmington,	Joseph Hammons.
Gilmanton,	Charles Parker.
	Jeremiah Wilson.
Lee,	Gardner Towle.
Madbury,	James Y. Demeritt.
Meredith,	John Durkee.
	Jonathan Pearson.
Middleton and } Brookfield, }	Charles Giles.
Milton,	Levi Jones.
Moultonborough,	Benning M. Bean.
New Durham,	Thomas Tash, Jr.
New Hampton,	Thomas Perkins.
Ossipee,	Jacob Leighton.
Rochester,	David Barker, Jr.
	Jeremiah H. Woodman.
Sanbornton,	James Clarke.
	Noah Eastman.
Somersworth,	Joseph Doe.
Strafford,	Andrew Leighton.
	Job Otis.
Tamworth,	Ford Whitman.
Tuftonborough,	John Piper, Jr.
Wakefield,	Richard Russell.
Wolfeborough,	Samuel Fox.

HILLSBOROUGH COUNTY.

Amherst,	C. H. Atherton.
Andover,	Samuel Brown.
Antrim,	Amos Parmenter.
Bedford,	William Moor.
Boscawen,	Ezekiel Webster.
Bradford,	Samuel Jones.
Brookline,	George Daniels.
Deering,	Russell Tubbs.
Dunbarton,	John Gould.
Dunstable,	Jesse Bowers.
Fishersfield,	Elijah Peasley.

Francestown,	Titus Brown.
Goffstown,	John Pattee.
Greenfield,	William Whittemore.
Hancock,	Andrew Wallace.
Henniker,	Artemas Rogers.
Hillsborough,	Andrew Sargent.
Hollis,	Ralph W. Jewett.
Hopkinton,	Abram Brown.
	Charles Chase.
Hooksett,	Richard H. Ayer.
Litchfield,	Jonathan Abbott.
Lyndeborough,	Nehemiah Boutwell.
Manchester,	Frederick G. Stark.
Merrimack,	Aaron Gage, Jr.
Milford,	William Crosby.
Mont Vernon,	John Bruce.
New Boston,	Joseph Cochran, Jr.
New Ipswich,	Stephen Wheeler.
New London,	Josiah Brown.
Nottingham West,	Caleb S. Ford.
Peterborough,	Jonathan Smith.
Salisbury,	Jabez Smith.
Sharon,	Jonathan Farnsworth.
Society Land,	Joseph Chapman, Jr.
Sutton,	Benjamin Wadleigh.
Temple,	Jesse Spofford.
Warner,	Henry B. Chase.
	Benjamin Evans.
Weare,	Josiah Danforth.
	James Wallace.
Wilmot,	Eliphalet Gay.
Wilton,	Samuel Abbott.

CHESHIRE COUNTY.

Acworth,	James M. Warner.
Alstead,	Azel Hatch.
Charlestown,	Henry Hubbard.
Chesterfield,	Eben Stearns.
Claremont,	Rufus Handerson.
	John Smith.
Cornish,	Eleazer Jackson, Jr.
Croydon,	Abijah Powers.
Dublin,	Joseph Appleton.
Fitzwilliam,	Levi Chamberlain.
Grantham,	Charles Gleason.
Hinsdale,	Obed Slate.

Jaffrey,	Oliver Prescott.
Keene,	Salma Hale.
Langdon,	Samuel Edgerton.
Lempster,	John Way.
Marlborough,	Levi Gates.
Marlow,	Isaac Baker.
Nelson,	Nathan Taft.
Newport,	David Allen.
Plainfield,	Robert Kimball.
Richmond,	Joseph Weeks.
Rindge,	Samuel L. Wilder.
Roxbury,	Samuel Griffith.
Springfield,	John Stocker.
Stoddard,	Francis Matson.
Sullivan,	Josiah Seward.
Surry and }	John Hammond.
Gilsum, }	
Swanzy,	James Underwood.
Troy,	D. W. Farrar.
Unity,	Nathan Glidden.
Walpole,	Josiah Bellows, 3d.
Washington,	Joseph Healy.
Wendell and }	John Currier.
Goshen, }	
Westmoreland,	Simeon Cobb, 2d.
Winchester,	Elijah Alexander.

GRAFTON COUNTY.

Alexandria and }	Stephen Gale.
Danbury, }	
Bath,	Abram Thomas.
Bethlehem,	Paul S. Buswell.
Bridgewater,	Joseph Prescott.
Bristol,	Moses H. Bradley.
Campton,	Moses Baker.
Canaan,	John H. Harris.
Concord (Lisbon),	Simon Oakes.
Dorchester,	Caleb Blodgett.
Enfield,	John Jones.
Grafton,	Daniel Bartlett.
Groton and }	Isaac Crosby.
Hebron, }	
Hanover,	James F. Dana.
	Elijah Miller.
Haverhill,	I. L. Corliss.
Holderness,	Walter Blair.

Landaff,
 Lebanon,
 Lincoln,
 Littleton,
 Lyman,
 Lyme,
 New Chester,
 Orford,
 Peeling,
 Piermont,
 Plymouth,
 Rumney,
 Thornton,
 Warren,
 Wentworth,

Joseph Atwood.
 David Hough.
 David Aldrich, 2d.
 Nathaniel Rix, Jr.
 Caleb Emery.
 Nathaniel Lambert.
 Luther K. Madison.
 John Rogers.
 Stephen Avery.
 Joseph Sawyer.
 Moor Russell.
 Jonathan Blodgett, Jr.
 Enoch Colby, Jr.
 Amos Tarleton.
 Caleb Keith.

COOS COUNTY.

Adams,
 Chatham,
 Columbia, }
 Colebrook and }
 Stewartstown, }
 Jefferson, }
 Durand, }
 Shelburne, }
 Shelburne Addition, }
 Bretton Woods and }
 Nash and Sawyer's }
 Location, }
 Lancaster,
 Northumberland,

Stephen Meserve.
 Uriah B. Russell.

Lewis Loomis.

Frederick Ingalls.

John Wilson.
 Seth Eames.

[*First Session, Held at Concord, June 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30, July 1, 2, 3, 1823.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ISAAC WENDELL AND OTHERS BY THE
NAME OF THE GREAT FALLS MANUFACTURING COMPANY.—

[Approved June 11, 1823. Original Acts, vol. 27, p. 98; recorded Acts, vol. 22, p. 277. See additional acts of June 21, 1826, and June 13, 1828, *post*; July 10, 1846, Session Laws, 1846, Chap. 447, and July 8, 1862, *id.*, 1862, Chap. 2679.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Isaac Wendell, Joseph Smith, Jesse Varney, Moses Hodgdon, Asa Freeman, John Wheeler, Jacob Wendell, Abraham Wendell and their associates and successors be and they hereby are incorporated and made a body politic forever, by the name of the Great Falls Manufacturing Company, and in that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution, and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature, and also may have and use a common seal, which they may break, alter or renew at pleasure.

Section 2. And be it further enacted, that said corporation be, and the same is hereby empowered, to carry on the manufacture of cotton and woollen goods and such other branches of trade and manufacture as shall be necessarily or conveniently connected therewith at Somersworth, and may erect such mills, dams, works, machines and buildings as may be necessary for carrying on these useful manufactures and branches of business.—

Section 3. And be it further enacted, that the said corporation be and the same is hereby authorized to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate as may be necessary and useful in conducting the business of said Factory, the same to sell, convey and dispose of at pleasure: Provided, the Estate held by the said corporation shall not at any time exceed five hundred thousand dollars; and the said capital or joint stock may be divided into as many shares as the proprietors at a legal meeting shall agree and decide; And in like manner the said proprietors may agree on the manner of transferring them, and may elect an agent or agents and such other officers and servants as may be deemed necessary, and prescribe their respective duties; may order assess-

ments and fix the time of their payment; may limit the amount, which said assessments shall not exceed, without the consent of all the proprietors; may pass by-laws for their regulation and government; and may do and trans-act any other business in relation to the concerns and for the benefit of said corporation; all elections and all other questions, if required, shall be determined by a majority of votes present or represented at any meeting, accounting and allowing one vote to each share in all cases; and all representations shall be in writing, signed by the person represented and filed with the Clerk

Section 4. And be it further enacted, that the shares in said corporations shall be liable and holden for all assessments legally made thereon, and upon the non-payment of such assessments or any part thereof, for the space of thirty days after the same shall have become due and payable, the Treasurer may proceed in the manner prescribed in the by-laws of said corporation to advertise and sell at public auction such delinquent shares or so many of them as may become necessary to pay the sums due thereon, with incidental charges.—

Section 5. And be it further enacted, that the said Isaac Wendell and Joseph Smith or either of them may call the first meeting of said company to be holden at any suitable time and place by publishing a notice thereof in some Newspaper printed in Dover three weeks successively before said meeting.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE DANIEL M DURELL AND OTHERS BY THE NAME OF THE NEW MARKET MANUFACTURING COMPANY.

[Approved June 12, 1823. Original Acts, vol. 27, p. 99; recorded Acts, vol. 22, p. 280. See also act of July 7, 1881, Session Laws, 1881, Chap. 172.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Daniel M Durell, Stephen Hanson, Theodore Chase, Philip Chase, Abiah Chase, William Silsbee, Nathaniel Silsbee, Robert Stone, William E. Harker, Pickering Dodge, Oliver Hubbard, Isaiah Harker, and Jeremiah Brown and their associates and successors be, and they hereby are, incorporated and made a body politic forever by the name of the Newmarket Manufacturing Company and by that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution and shall be, and hereby are, vested with all the powers and privileges, which by law are

incident to corporations of a similar nature, and may have and use a common seal, which they may break, alter, and renew at pleasure.

Section 2. And be it further enacted, that the said corporation shall have power and is hereby authorized to carry on the making and fabricating of cotton goods and such other manufactures as they may from time to time think fit in Newmarket and may carry on such branches of trade and business as may be necessarily and conveniently connected therewith, and may erect such mills, dams, buildings, machines and other works as may be necessary for carrying on said manufactures and business.

Section 3. And be it further enacted, that the said corporation be and the same hereby is authorized to acquire by purchase or otherwise and to hold and enjoy all such real and personal estate as may be necessary and convenient for establishing and carrying on said factories and the business therewith connected and the same may sell and dispose of at pleasure, provided such estate shall not exceed in value the sum of six hundred thousand dollars.

Section 4. And be it further enacted, that the capital or joint stock of said corporation may be divided into as many shares as the proprietors at a legal meeting may think fit and shall be numbered in progressive order beginning at number one; and each proprietor shall have a certificate under the hand of the treasurer and seal of said corporation expressing his number of shares, the progressive number of each, and certifying that he is the owner thereof, which share or shares may be alienated by the proprietor thereof, his executors or administrators in such manner as said corporation may prescribe.—

Section 5—And be it further enacted, that the shares in said corporation shall be liable and holden for all assessments legally made thereon and upon the nonpayment of such assessments or any part thereof for the space of thirty days after the same shall have become due and payable, the treasurer may proceed in the manner prescribed in the by-laws of said corporation to advertise and sell at public auction such delinquent's shares or so many of them as may be necessary to pay the sums due thereon with incidental charges.—

Section 6. And be it further enacted, that Daniel M Durell and Stephen Hanson or either of them may call the first meeting of said corporation to be holden at any suitable time and place by advertising the same in some Newspaper printed in Dover or Portsmouth two weeks previous to said meeting and the members of said corporation at that or any legal meeting by a vote of the majority of those present and represented allowing one vote in all cases to each share represented may choose all such officers and servants as may be deemed necessary and prescribe their respective duties, may order assessments and fix the time of their payment, may pass bylaws for their due regulation and government, prescribe rules

for the transfer of their stock, agree on the manner of calling future meetings and, until such method shall be agreed on, any future meeting of said corporation may be called by any two or more members thereof in the same way and manner as is herein prescribed for calling their first meeting and may do and transact such other business in relation to the concerns of said corporation as they may see fit—

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
NEW HAMPSHIRE HISTORICAL SOCIETY.

[Approved June 13, 1823. Original Acts, vol. 27, p. 126; recorded Acts, vol. 22, p. 283.]

Whereas the persons hereinafter named have associated for the laudable purpose of collecting and preserving such books and papers as may illustrate the early history of the State; and of acquiring and communicating a knowledge of the natural history the botanical and mineralogical productions of the State; as well as for the general advancement of science and literature; and whereas the object of their association is of public utility and deserves public encouragement; Therefore,

SECT. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Ichabod Bartlett, William Plumer Jr., Bennet Tyler, Jeremiah Smith, Jeremiah Mason, Richard Bartlett, James Bartlett, Jacob B. Moor, Andrew Pierce, William Smith Jr. and Nathaniel A. Haven Jr. with their associates, and such other persons as shall from time to time be admitted members of said association, according to such by-laws as the members of said association may establish, be and they hereby are created a body politic and corporate, and shall forever hereafter continue a body politic and corporate by the name of the New Hampshire Historical Society, and for the purposes aforesaid; and with all the powers, privileges and liabilities incident to corporations of this nature.

SEC. 2. And be it further enacted, that the said corporation may receive and take by gift, grant, devise or otherwise and hold, possess and enjoy exclusive of the building or buildings which may be actually occupied and used for the safe keeping of their books, papers and records and of their cabinets of natural history and mineralogy, and exclusive of their books, papers and cabinets aforesaid real and personal estate, the yearly value of which shall not exceed three

thousand dollars; provided always, that the estate aforesaid be appropriated for the purposes aforesaid.

Sec. 3. And be it further enacted, that the said corporation shall have full power and authority to determine at what place their library and cabinets shall be established; at what times and places their meetings shall be holden; and in what manner the members shall be notified of such meetings; to elect from among the members of said corporation such officers, with such powers and duties as they shall judge expedient; and also to ordain and enact any by-laws for the government of said corporation, provided the same be not repugnant to the constitution and laws of this State

Sec. 4. And be it further enacted, that the said Ichabod Bartlett, William Smith Jr and Nathaniel A Haven Jr. or any two of them, shall have power to call the first meeting of said corporation at such time and place, and may notify the members of said association in such manner, as they may deem expedient.—

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO, AND IN AMENDMENT OF, AN ACT PASSED
JUNE 10. 1791 ENTITLED AN ACT REGULATING THE OFFICE OF COR-
ONER.—

[Approved June 13, 1823. Original Acts, vol. 27, p. 100; recorded Acts, vol. 22, p. 286. Session Laws, 1823, Chap. 4. Laws, 1824 ed., p. 189. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 747. See acts of June 19, 1817, id., vol. 8, p. 608; June 20, 1827, and June 28, 1827, *post*. Repealed by act of July 3, 1829, Laws, 1830 ed., p. 541.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this act, no Coroner shall take inquests of the violent deaths committed, or casual deaths happening within the County for which he is commissioned, without the consent in writing first had of the Selectmen or a major part of them, of the town in which the dead body of the person supposed to have come to his or her death by violence or casualty, shall be found.

* Sec. 2. And be it further enacted, that when any inquest shall be taken by the Coroner, instead of summoning for that purpose eighteen Jurors, he shall convene by summons or other notice, three reputable freeholders, one of whom shall be a Justice of the Peace, who shall be sworn, as inquirers into the cause and circumstances of the death, who shall take the oath and discharge the duties required of the Jury by the act to which this is an addition.

And in making any return of an inquest hereafter taken, the forms prescribed in said act shall be so far altered as to correspond with the amendment hereby introduced; and all parts of the act to which this is in addition, which are inconsistent with the provisions of this act, be and hereby are repealed.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT, TO AUTHORIZE THE TOWN OF PORTSMOUTH TO ELECT A REPRESENTATIVE TO THE GENERAL COURT.—

[Approved June 14, 1823. Original Acts, vol. 27, p. 101; recorded Acts, vol. 22, p. 288.]

Whereas it appears that William Claggett esquire, one of the Representatives returned from the town of Portsmouth, was not constitutionally qualified, in consequence of his holding an office under the United States; And whereas the seat of said Claggett as a member from said Portsmouth has been vacated, Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the Selectmen of Portsmouth be and hereby are authorized to call a special town meeting for the purpose of choosing a Representative to the General Court for the residue of the current year, giving notice of the time and place of holding the meeting to the legal voters of said town, by posting up a notice in writing, in the usual manner practised in said town, and also by the publication thereof in the *New Hampshire Gazette* two days at least before the meeting; said meeting to be holden in said town, any time before the twenty fifth day of June present.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE UNION MANUFACTURING COMPANY.

[Approved June 17, 1823. Original Acts, vol. 27, p. 102; recorded Acts, vol. 22, p. 289. See act of September 14, 1883, Session Laws, 1883-87, p. 195.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That John H. Steele, and such as are, or may be hereafter associated with him, and their suc-

cessors, be, and they are hereby incorporated by the name of the Union Manufacturing Company; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and be known and distinguished in their acts and proceedings, and in all cases whatever; and shall be and hereby are vested with all the powers and privileges, which by law are incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That the said Corporation shall be, and hereby is authorized to carry on the manufacture of Cotton, Wool, Flax, or any other lawful manufacture at Peterborough in the county of Hillsborough; and may erect dams, mills, works and buildings necessary and convenient for conducting said manufactures.

Sec. 3. And be it further enacted, That said Corporation is hereby authorized to acquire by purchase, or otherwise, and to hold and enjoy such real and personal estate as may be necessary or useful in conducting the business of said Factory to the best advantage, and the same to sell, convey and dispose of at pleasure, provided the estate held by said Corporation shall not at any time exceed one hundred thousand dollars.

Sec. 4. And be it further enacted, That the said John H. Steele may call the first meeting of the members of said Corporation by giving ten days personal notice, or by advertisement in some newspaper printed in the county of Hillsborough, giving at least twenty days' notice of the time, place and design of such meeting; at which meeting they shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and whose duty it shall be to record the proceedings of said Corporation, and perform such other services as may be lawfully required of him; and at the same or any subsequent meeting duly notified, may elect a Treasurer and such other officers as may be thought necessary, and prescribe their duties; may agree on the manner of calling future meetings; may divide their capital or joint stock into any number of shares, not exceeding one hundred, and agree on the manner of transferring them; may order assessments, and fix the time in which they shall be paid; pass by-laws for their own regulation and government, and do and transact any business in relation to the concerns and for the benefit of said Corporation. All elections, if required, shall be determined by a majority of votes present or represented, accounting one vote to each share in all cases. All representations shall be in writing signed by the person represented and filed with the clerk.

Sec. 5. And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments legally made thereon, and upon the nonpayment of such assessments, or any part thereof for the space of thirty days after the same shall have become due and payable, the Treasurer shall have power to advertise and sell such delinquent's share or shares, or as

many of them as may be necessary to pay the sums due thereon, with incidental charges, after having given due and timely notice of the place, day and hour of sale.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE WALPOLE LIBRARY ASSOCIATION.

[Approved June 17, 1823. Original Acts, vol. 27, p. 103; recorded Acts, vol. 22, p. 292.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that William G. Field, Henry Foster, Isaac Reddington, Ebenezer Morse and Frederick Vose and their associates and successors be and they hereby are incorporated and made a body politick and corporate by the name of the Walpole Library Association for the purposes of purchasing and holding a library and making all necessary rules and by laws for regulating and managing the concerns of the same with power to hold property to an amount not exceeding two thousand dollars and with all other powers, privileges and immunities incident to corporations of a similar nature.

Sec. 2. And be it further enacted that William G. Field, Ebenezer Morse and Frederick Vose or either two of them shall have power to call the first meeting at such time and place as they shall appoint.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO ENLARGE THE CAPITAL OF THE DOVER COTTON-FACORY, AND TO ALTER THE NAME THEREOF.

[Approved June 18, 1823. Original Acts, vol. 27, p. 104; recorded Acts, vol. 22, p. 294. See act of incorporation dated December 15, 1812, Laws of New Hampshire, vol. 8, p. 168. See also acts of June 21, 1820, id., p. 901; December 22, 1820, id., p. 994; June 21, 1821, *ante*, p. 11, and June 20, 1826, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall and may be lawful for the proprietors or stockholders in the Corporation created by sundry acts of the State of New-Hampshire, and now existing at

Dover, in the county of Strafford, in said State, and known and called by the name of the Dover Cotton Factory, to enlarge and extend the capital stock of the said Corporation to the amount of one million of dollars, at such time or times, and in such manner, as the said proprietors or stockholders, according to the rules and regulations of the said Corporation, may deem proper and expedient. And the said Corporation is in consequence hereby authorized to acquire by purchase, or otherwise, and to hold, enjoy and use such real and personal estate and property, to the aforesaid amount of one million dollars, as may be necessary and useful in conducting the business or concerns of the said Corporation, on its present, or more enlarged plan, and the same to sell, convey and dispose of at pleasure.

Sect. 2. And be it further enacted, That from and after the passing of this act, the said Corporation shall be called and known in all future time by the name and title of the Dover Manufacturing Company, instead of the Dover Cotton Factory; Provided however, that the change of name shall not have any effect to impair, delay or invalidate any rights, suit, claim, or demand of any person or persons against the said Corporation now existing, or which may hereafter exist for any matter or thing in relation to the said Corporation while existing under the name or title of the Dover Cotton Factory; but all such rights, suits, claims and demands, are hereby expressly reserved, and rendered equally valid as if said change of name or title had not been made. And provided also, that the said Corporation with the enlargement of the capital hereby authorized, shall have, retain, possess, use and enjoy, all the powers, rights, uses, estates, property, privileges and immunities, in the same and in an equal degree, as now and heretofore enjoyed and possessed by the said Corporation, and be subject to all its liabilities.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE AN ACADEMY BY THE NAME OF "THE ADAMS FEMALE ACADEMY"

[Approved June 18, 1823. Original Acts, vol. 27, p. 105; recorded Acts, vol. 22, p. 296. See also act of June 12, 1828, *post.*]

Whereas Jacob Adams late of Londonderry in the County of Rockingham in said State of New-Hampshire deceased in and by his last will and testament hath made the following devise and bequest towit—

Whereas I have determined to establish a female Academy in said Londonderry for the education of females and whereas it becomes necessary to nominate and appoint trustees for the same who can more fully carry into execution my design in establishing said female Academy which I wish to be called and known by the name of the Adams female Academy: Therefore I hereby nominate and appoint. James Thom George Farrar, Alanson Tucker, Edward L. Parker and Daniel Dana all of said Londonderry and John Bell and Samuel D. Bell of Chester trustees of the same Academy the number of the Trustees of said Academy never to exceed seven and in case either or any of said Trustees refuse to accept the trust or should cease to be trustees by death resignation or otherwise I hereby authorise and empower a majority of the remainder to appoint one or more persons to fill such vacancy or vacancies and the person or persons thus appointed and chosen shall have equal powers with those above appointed and whereas it will be more easily managing said Academy by having an act of Incorporation and the same may become more useful and permanent, it is my wish that the above named Trustees should as soon as convenient procure from the Legislature of New Hampshire an act of Incorporation incorporating themselves into a body politick and corporate by the name of the trustees of the Adams female Academy, and I hereby authorise and empower said Trustees to make such bye laws and regulations as they may think best for the regulation of said Academy and after an Act of Incorporation shall be procured as above desired that said Trustees may in every respect manage & regulate said Academy as they could do were they now incorporated with the usual powers given to such incorporation and my will is and I hereby order and direct authorise and empower my executor hereafter named to sell and convey to the best advantage he can all my real estate wherever the same may be situated and convert all my real and personal estate and hereditaments into cash within three years after my decease if he can or sooner if he think advisable and out of the proceeds or avails of my said estate I order and direct my said executor to pay my just debts and funeral charges and the specific legacies above named and all the rest residue and remainder of avails or proceeds of my said estate, I give and bequeath to the trustees above named and appointed in trust and for the following uses and purposes that is to say for the purpose of making and establishing a permanent fund for said female Academy and that said Trustees shall not apply or appropriate any more than the income or interest of said fund for the support maintenance and benefit of said institution and in case in any year there should be any part of the interest or income of said fund not expended as aforesaid that is for the support maintenance and benefit of said Academy then the same surplus shall be added to and become a part of the principal and managed accordingly and when an

act of incorporation shall be obtained as above requested my will is that said trustees shall make over to said incorporation the said fund above given to them in trust as aforesaid and that said corporation shall manage the fund for the same uses and purposes as said trustees were directed to manage the same I further order and direct that said Academy shall be located and forever established within one hundred rods of the place where the meeting house in the said First Parish in Londonderry now is placed: and I further order that said Academy shall be commenced within two years after my decease and that said trustees shall have the liberty occasionally to suspend the keeping the same when they may think best but never for more than one year at a time.—

therefore in order to carry into complete effect the benevolent intentions of said Jacob Adams—

Section. 1. Be it enacted by the Senate and house of Representatives in General Court convened that there be and hereby is established in said Londonderry within one hundred rods of the place where the meeting house in the first parish in Londonderry now is placed a female academy by the name of the Adams female Academy agreeably to the provisions in said will—

Section. 2. And be it farther enacted that James Thom Esquire, Doctor George Farrar, Alanson Tucker Esquire the Rev^d Edward L. Parker and the Rev^d Daniel Dana all of said Londonderry and the Hon. John Bell and Samuel D. Bell Esquire of Chester in said County of Rockingham be and they hereby are nominated appointed and confirmed the trustees of said Academy and they hereby are incorporated into a body politick & corporate by the name of the trustees of the Adams female Academy and that they and their successors shall be and continue a body politick and corporate by the same name forever—

Section. 3. And be it farther enacted that the said Trustees and their successors shall have one common seal which they may make use of in any cause or business that relates to the said Office of trustees of said Academy and they shall have power and authority to break, change or renew the said seal from time to time as they shall see fit and that they may sue & be sued in all actions real and personal or mixed and prosecute and defend the same to final judgment and execution by the name of the trustees of the Adams female Academy.—

Section. 4. And be it further enacted that the trustees aforesaid the longest livers and survivors of them and their successors be the true and sole trustees and governors of the said Academy in perpetual succession forever, to be continued in the way and manner herein after specified with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules for the good government of said Academy as to them said trustees shall

seem most fit and requisite, provided that the said rules, laws and orders be in no way contrary to the constitution and laws of this State.

Section 5. And be it further enacted, that the number of said trustees & their successors shall not at any one time be more than seven nore less than four; four of whom shall constitute a quorum for transacting business, and the major part of the members present at any legal meeting shall decide all questions that shall come before them excepting only such questions as involve the disposition of the funds and the appointment of officers and instructors, on which subjects a majority of the whole board of trustees shall concur—

Section. 6. And be it further enacted, that as often as any vacancy in the board of trustees of said Academy shall happen by death, resignation, or otherwise, the trustees surviving or remaining or the major part of them shall elect one or more persons to fill such vacancy or vacancies so happening.—

Section 7. And be it further enacted, that the trustees aforesaid and their successors be and they hereby are rendered capable in law to take and receive by gift; grant; devise; bequest or otherwise, any land, tenements or other estate, real, personal, or mixed; provided, that the annual income of said real estate shall not exceed the sum of ten thousand dollars; to have and to hold the same to them the said trustees, and their successors, on such terms and under such conditions and limitations as may be expressed in any will, deed, or instrument of conveyance which may be made to them; and all deeds and instruments which the said trustees shall make when made in the name of the trustees of the Adams female Academy and signed and delivered by four of the trustees, at least, and sealed with their common seal, shall bind the said trustees and their successors and be valid in law—

Section. 8. And be it further enacted that lands, tenements and hereditaments to the value of three thousand Dollars and personal estate to the value of seven thousand Dollars which are or may be the property of this institution, shall be and hereby are exempted from taxation forever—

Section. 9. And be it further enacted, that the said Edward L. Parker, Alanson Tucker and George Farrar or either of them shall be and are authorised to call the first meeting of said trustees upon giving notice thereof in writing expressive of the time, place and object of said meeting; which notice shall be delivered to each of said trustees or left at their respective dwelling houses, at least three days before said day of meeting.

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ENOCH G. PARROTT AND OTHERS BY THE
NAME OF THE PORTSMOUTH SUGAR REFINING COMPANY.—

[Approved June 18, 1823. Original Acts, vol. 27, p. 106; recorded Acts, vol. 22, p. 305.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Enoch G. Parrott, William Stavers, Ichabod Rollins and their associates, and successors, be and they hereby are created a body politic and corporate forever by the name of the Portsmouth Sugar Refining Company, for the purpose of refining sugar and making loaf sugar, or carrying on any manufacture; of which sugar shall be the principal ingredient; with all the powers, privileges and liabilities incident to corporations of this nature.

Sect. 2. And be it further enacted, that the said corporation may be seised and possessed, and may have, hold and enjoy for the purposes aforesaid, a capital stock not exceeding one hundred thousand dollars; which said capital stock may be vested for the purposes aforesaid, in real or personal estate at the discretion of said corporation. And the said corporation shall have full power and authority to divide said capital stock into as many shares, and provide such conditions of holding, and such modes of transferring said shares; and impose such assessments on the proprietors of said shares; and provide such means to enforce the payment of such assessments; and hold such meetings and make such by laws for the due government of the said corporation and the management of its affairs, as shall be determined upon by the members of said corporation, or a major part of them at any regular meeting:—provided the same be not repugnant to the constitution and laws of this State.—

Sect. 3. And be it further enacted, that the said Enoch G. Parrott, William Stavers, and Ichabod Rollins, or any two of them, may call the first meeting of said corporation, by giving particular notice of the time and place thereof, in an advertisement published in any newspaper printed in the town of Portsmouth, at least fourteen days prior to the time of said meeting.—

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE
NASHUA MANUFACTURING COMPANY.

[Approved June 18, 1823. Original Acts, vol. 27, p. 107; recorded Acts, vol. 22, p. 307. See act of December 10, 1824, *post*; resolution of June 24, 1859, Session Laws, 1859, Private Acts, Chap. 2316; acts of July 8, 1862, *id.*, 1862, Private Acts, Chap. 2683; March 13, 1895, *id.*, 1895, Chap. 224; February 17, 1917, Laws, 1917, Chap. 292, and February 10, 1919, *id.*, 1919, Chap. 249.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Daniel Abbot, Moses Tyler and Joseph Greeley and such other persons as shall associate with them and their successors and assigns shall be and hereby are constituted and made a corporation by the name of the Nashua Manufacturing Company and by that name may sue and be sued, prosecute and defend to final judgment and execution; and may have and use a common seal and the same may alter and renew at pleasure, and also may make, ordain and put in execution such by laws and regulations (not being contrary to the constitution and laws of the State) as shall be necessary, proper and convenient for the government of said corporation, and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, that the said corporation be, and the same is hereby empowered to establish manage and carry on the manufacture of cotton, woollen, Iron and other lawful manufactures on and near the Nashua River in Dunstable and also any and all such branches of manufacture and trade as can be conveniently managed and carried on by said Company or corporation, and to purchase, take, hold and convey real and personal estate of every kind to such amount as they may find necessary or convenient in the management of their concerns, provided the same shall not exceed the sum of one million dollars, and the same to manage, improve, change and sell at their pleasure; and to erect on the real estate to be purchased and held by them as aforesaid such dams, canals, mills, buildings, machines and works as they may deem necessary or useful in carrying on and managing their manufactures and works and in conducting the business of the corporation.

Section 3. And be it further enacted that the said Daniel Abbot may call the first meeting of said corporation by giving three days previous notice to each of the persons who is associated with him in obtaining this charter, at which meeting a Clerk shall be chosen who

shall be sworn faithfully to discharge the duties of his office, and it shall be his duty to record the doings and proceedings of said corporation and to perform such other services as the by-laws of said corporation may require, and at the same or any subsequent meeting duly holden the members or associates of said corporation may prescribe and agree on the manner of calling, holding and managing future meetings, may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the mode or manner in which the shares in their capital stock shall be holden, and how the same shall be transferred; may make or provide for the making of assessments on the shares from time to time as occasion may require and fix the time for the payment of the same; may appoint and constitute such officers, servants and agents of the said corporation as they shall think necessary and prescribe their respective duties and may do or transact any matter or thing relating to the property, business or concerns of the said corporation.—

Section 4. And be it further enacted, that at all meetings of the members of said Corporation duly notified and holden each member shall be entitled to cast one vote for each share that he may be the owner & holder of in said corporation on all questions that may come before such meetings; and absent members may be represented and vote at such meetings by an agent for that purpose duly authorized by writing signed by the member or members to be represented which writing shall be filed with the Clerk of said corporation; and at such meetings all questions shall be decided by a majority of the votes cast; provided however that in the assessment of taxes on the shares in said corporation three fourths of the votes cast shall be required to make such assessment binding on the members of said corporation.—

Section 5. And be it further enacted, that the shares in the capital or joint stock of the corporation shall be liable and holden for the payment of all assessments legally made thereon; and in case of neglect of any member to pay the assessments on his share or shares, the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments may be sold or transferred for the payment of the same in such manner or way as shall be prescribed by the by-laws or regulations of said corporation—

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
DOVER BANK.

[Approved June 20, 1823. Original Acts, vol. 27, p. 108; recorded Acts, vol. 22, p. 311. See acts of January 3, 1829, *post*; June 28, 1831, Acts, vol. 28, p. 60, and June 26, 1845, Session Laws, 1845, Chap. 300.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Daniel M. Durell, John Williams, John Waldron, Stephen Hanson, Barnabas H. Palmer, George Piper, Cyrus Bangs, John B. H. Odiorne, Hosea Sawyer, John Brown, Samuel Kimball, Eri Perkins, James Whitehouse, Thomas W. Kittredge, Jonathan Locke, William Palmer, Jesse Varney, Jacob Kittredge, John W. Hayes, Charles W. Cutter, David Barker, junior, and their Associates, and those who may hereafter become Associates in said Bank, their Successors and Assigns, shall be, and they hereby are created and made a Corporation by the name of the Dover Bank, and shall so continue until the first Monday of August, which will be in the year of our Lord, one thousand eight hundred and forty five; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also, to ordain, establish or put in execution such by-laws, ordinances and regulations, not repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation; subject always to the rules, restrictions, limitations and provisions hereinafter prescribed: Provided, that said Grantees shall within two years from the passing of this act, accept the provisions thereof, and organize, and put said institution into operation under the same; in default of which this act shall thereafter be void, and of no further effect.

Sect. 2. And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than fifty thousand dollars, nor more than two hundred thousand dollars in specie, and shall be divided into two thousand shares; and the stockholders at their first meeting, by a majority of votes, shall determine the amount of payments to be made on each share, and the time when they shall be made; also, the mode of transferring and disposing of the stock and the profits thereof, which being entered on the books

of said Corporation shall be binding on the stockholders, their successors and assigns: Provided, that no stockholder shall be allowed to borrow at said Bank, until he shall have paid in his full proportion of said sum of fifty thousand dollars at least: And the said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of twenty five thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same; and to loan and negotiate their monies and effects, by discounting on banking principles on such personal security as they shall think advisable.

Sec. 3. And be it further enacted, That the following rules, limitations and provisions, shall form and be the fundamental articles of said Corporation:

1. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the capital stock actually paid in at such time, and then composing the capital stock of said Bank: And in case any cashier, director or other officer of said Bank, at any time, shall knowingly issue, or order, direct, or cause to be issued and put in circulation bills, notes or obligations of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, director or other officer, shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2. That dividends may be made semiannually among the stockholders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall be divided among, or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars: Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said Corporation.

3. That in case of a diminution, or loss of any portion of the sum composing the capital stock of said Bank, by any means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss,

and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made until such loss or diminution shall have been replaced and supplied by assessments and actual payments of the stockholders, or by appropriations therefor of the interest and profit actually received.

4. That said Corporation shall not vest, use nor improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their possession by way of security to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said Corporation, being a citizen of this State, and resident therein, shall be eligible for a director: And the directors shall choose one of their own number to act as President. The Cashier, before he enters on the duties of his office, shall give bond with two or more sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty five thousand dollars, with condition for the faithful performance of the duties of his office.

6. That for the well ordering of the affairs of said Corporation a meeting of the stockholders shall be holden at such place as they shall direct on the third Monday of July, annually, from and after their first meeting, and at any other time during the continuance of said Corporation, at such place as may be appointed by the President and Directors for the time being, by publick notification being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot, not less than seven, nor more than nine directors, to continue in office the year ensuing their election, and until others shall be chosen in their stead: And the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion; that is to say—For every one share, one vote; for every two shares above one, and not exceeding twenty, one vote; for every three shares above twenty, one vote; provided that no one stockholder shall be entitled to more than thirty votes. Absent members may vote by proxy, being authorized in writing, signed by the person represented, and filed with the Cashier.

7. That no director shall be entitled to any emolument for his services, but the stockholders may make the President such compensation as to them shall appear reasonable.

8. That not less than a majority of the directors shall constitute a Board for the transaction of business, of whom the president shall be one, except in case of sickness or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said Bank, signed by the President, and countersigned by the Cashier shall be binding on said Corporation.

10. That the Directors shall appoint a Cashier, clerks and such other officers, agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in the town of Dover in the county of Strafford.

12. That the Legislature shall at all times have the right by persons duly appointed for that purpose to examine into the state and condition, and all the doings and transactions of said Corporation, and of their officers relating to the same; for which purpose all the books and papers of the Corporation, together with their money, and securities for money, shall be exhibited and submitted to the inspection and examination of such persons, so appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Sect. 4. And be it further enacted, That the said Daniel M. Durell, John Williams, and Charles W. Cutter, or any two of them, may call a meeting of said Corporation at such time and place as they may see fit, by giving publick notice thereof at least two weeks prior to the time of meeting, by advertising in some newspaper printed in the town of Dover, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, as the said members may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

Sect 5. And be it further enacted, That all penalties incurred for a breach of any of the provisions of this act, may be recovered by information or suit in the name of the State.

[CHAPTER 13.]

State of)
New Hampshire. {

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE ENFIELD AND LEBANON IRON MANUFACTORY.

[Approved June 21, 1823. Original Acts, vol. 27, p. 109; recorded Acts, vol. 22, p. 318.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Ebenezer Dustin, James Willis, Aaron Cleaveland, Caleb Plastridge, John A Liscomb, Isaac Peirce, Francis Clark, their associates, successors and assigns, be. and they are hereby incorporated by the name of the Enfield and Lebanon Iron Manufactory; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and

be known and distinguished in all their acts and proceedings; and shall be, and hereby are vested with all the powers and privileges, and subject to the liabilities of corporations of a similar nature.

Sec. 2. And be it further enacted, That the said Corporation is hereby authorized to carry on the manufacture of Iron in its various branches, and such other business as may be necessarily or conveniently connected therewith at Enfield or Lebanon in the county of Grafton; and for that purpose may construct and maintain such dams, mills, buildings and machinery, as may be necessary and convenient for conducting and carrying on said manufacture.

Sec. 3. And be it further enacted, That the said Corporation is hereby authorized to acquire by purchase, or otherwise, and to hold and enjoy such real and personal estate as may be necessary and useful in conducting the business of said Manufactory upon its present, or a more enlarged plan, and the same to sell, convey and dispose of at pleasure: provided the estate holden by said Corporation shall not at any time exceed one hundred thousand dollars.

Sec. 4. And be it further enacted, That the said Ebenezer Dustin, James Willis and John A Liscomb, or either two of them, may call the first meeting of the members of said Corporation, by giving ten days' personal notice, or by advertisement in some newspaper printed in Concord, giving at least twenty days' notice of the time, place, and design of such meeting: At which first meeting the said members shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and whose duty it shall be to record the proceedings of said Corporation, and perform such other duties as may be lawfully required of him: And at the same, or any subsequent meeting duly holden, the said members may agree on the manner of calling their future meetings; may divide their capital or joint stock into any number of shares, not exceeding one hundred, and agree upon the manner of transferring them; may order assessments, and fix the time in which they shall be paid; elect and appoint such officers, agents and servants as they may deem necessary, and prescribe their duties; pass by-laws for the regulation and government of said Corporation, and do and transact any business in relation to the concerns and for the benefit thereof. All elections, and all other questions, if required, shall be determined by a majority of votes present or represented at any meeting. accounting and allowing one vote to each share in all cases; and all representations shall be made in writing, signed by the person represented and filed with the Clerk.

Sec. 5. And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments legally made thereon; and upon the nonpayment thereof, for the space of thirty days after the same shall have become due and

payable, the Treasurer may proceed in the manner prescribed in the by-laws of said Corporation, to advertise and sell at publick auction such delinquent shares, or so many of them as may be necessary to pay the sums due thereon with incidental charges.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS INTO A COMPANY BY THE NAME OF THE "PROPRIETORS OF THE CHARLESTOWN STREET AQUEDUCT."

[Approved June 21, 1823. Original Acts, vol. 27, p. 110; recorded Acts, vol. 22, p. 322.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Vryling Lovell, John C. Chamberlain, Jazaniah Crosby, Henry H. Sylvester, Henry Hubbard, Joel Smith and their associates and successors be and they are hereby incorporated and made a body corporate and politic forever by the name of "The Proprietors of the Charlestown Street Aqueduct"—and by that name may sue and be sued, plead and be impleaded, prosecute and be prosecuted to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature

Section 2. And be it further enacted, that Vryling Lovell or John C. Chamberlain before named shall call a meeting of said corporation by posting advertisements for that purpose in two public places in said town of Charlestown at least ten days prior to said meeting to be holden at such time and place as they shall think proper. And the proprietors, by vote of a majority of those present or represented at said meeting, allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of the duties of said office; and shall agree on a method of calling future meetings, and at the same time or at any future meeting may elect such officers and make and establish such rules and bye laws, as to them shall seem necessary and convenient for the regulations and government of said corporation for securing, managing and improving the interests thereof—provided the said rules and bye-laws are not repugnant to the Constitution and laws of this State; and all representations at any meeting of said corporation shall be proved in writing signed by the person to be represented, which shall be filed by the Clerk, or recorded in a book or books provided and kept for that purpose.

Section 3. And be it further enacted, that said corporation shall have power to purchase and hold in fee simple or otherwise so much land as may be necessary to enable the said corporation to convey to Charlestown Street aforesaid by means of an aqueduct, the water from any spring or springs in the neighborhood of and not more than one mile distant from said Charlestown Street, and to secure to said corporation the exclusive right to and privilege of said spring or Springs—

Section 4. And be it further enacted, that said corporation shall have power to convey the water from any such spring or springs to said Charlestown Street, and there to distribute the same by means of an aqueduct to be by said corporation completed for that purpose; provided the land through which said aqueduct shall be laid shall be owned by said corporation; or provided, the owner or owners of any such land shall have previously consented thereto.

Section 5. And be it further enacted, that the share or shares of any of the said proprietors may be transferred by deed duly executed and acknowledged and which deed shall be recorded by the Clerk of said Corporation in a book to be kept for that purpose. And the share or shares of any propreitor may be sold by said corporation for non payment of assessments duly made agreeable to the bye laws which shall be established by said corporation—

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE JOHN BELL AND RICHARD H. AYER BY THE NAME OF THE HOOKSETT MANUFACTURING COMPANY.

[Approved June 21, 1823. Original Acts, vol. 27, p. 111; recorded Acts, vol. 22, p. 325. See acts of July 3, 1866, Session Laws, 1866, Chap. 4368, and July 21, 1881, id., 1877-81, p. 636.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that John Bell and Richard H. Ayer and their associates and successors be, and they hereby are incorporated and made a body politic forever by the name of the Hooksett Manufacturing Company, and by that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution, and shall be, and hereby are, vested with all the powers and privileges which by law are incident to corporations of a similar nature and may have and use a common seal which they may break, alter and renew at pleasure.

Section 2. And be it further enacted that the said corporation shall have power and is hereby authorized to carry on the making

and fabricating of woollen and cotton goods and such other manufactures as they may from time to time think fit in the town of Hooksett, and may carry on such branches of trade and business as may be necessarily and conveniently connected therewith, and may erect such mills, dams, buildings, machines and other works as may be necessary for carrying on said manufactures and business—

Section 3. And be it further enacted that the said corporation be and the same hereby is authorized to acquire by purchase or otherwise and to hold and enjoy all such real and personal estate as may be necessary and convenient for establishing and carrying on said factories and the business therewith connected, and the same may sell and dispose of at pleasure, provided such estate shall not exceed in value the sum of two hundred thousand dollars.—

Section 4. And be it further enacted that the capital or joint stock of said corporation may be divided into as many shares as the proprietors at a legal meeting may think fit and shall be numbered in progressive order beginning at number one, and each proprietor shall have a certificate under the hand of the treasurer and seal of said corporation expressing his number of shares and certifying that he is the owner thereof which share or shares may be alienated by the proprietor thereof, his executor or administrator in such manner as said corporation may prescribe.

Section 5. And be it further enacted that the shares in such corporation shall be liable and holden for all assessments legally made thereon and upon the nonpayment of such assessments or any part thereof for the space of thirty days after the same shall have become due and payable, the treasurer may proceed in the manner prescribed in the by laws of said corporation to advertise and sell at public auction such delinquent's shares or so many of them as may be necessary to pay the sums due thereon with incidental charges.

Section 6. And be it further enacted that John Bell and Richard H. Ayer may call the first meeting of said corporation to be holden at any suitable time and place by advertising the same in some newspaper printed in Concord three weeks previous to said meeting and the members of said corporation at that or any legal meeting by a vote of a majority of those present and represented allowing one vote in all cases to each share, may choose all such officers and servants as may be deemed necessary and prescribe their respective duties, may order assessments and fix the time of their payment, may pass by laws for their due regulation and government, prescribe rules for the transfer of their stock, agree on the manner of calling future meetings and may do and transact such other business in relation to the concerns of said corporation as they may see fit—

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF "THE LANCASTER STREET AQUEDUCT COMPANY."

[Approved June 21, 1823. Original Acts, vol. 27, p. 112; recorded Acts, vol. 22, p. 329.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel A. Pearson, Thomas Carlisle, Benjamin Boardman and William Farrar and their associates and successors be, and they hereby are incorporated and made a body corporate and politic forever under the name of "The Lancaster Street Aqueduct Company" and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.—

Section 2. And be it further enacted, that Samuel A. Pearson or William Farrar before named shall call a meeting of said company by posting advertisements in two public places in said town of Lancaster at least ten days prior to said meeting to be holden at such time and place as they shall think proper. And the proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall agree on a method of calling future meetings and at the same time or any future meetings may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation for securing, managing, and improving the interests thereof and for carrying into effect the purposes by this act intended and the same by-laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and by laws are not repugnant to the constitution and laws of this state and all representations at any meeting of said corporation shall be proved in writing signed by the person to be represented, which shall be filed by the Clerk or recorded in a book or books provided and kept for that purpose.—

Section 3. And be it further enacted that said corporation shall have power to purchase and hold in fee simple or otherwise so much land as may be sufficient to enable them to convey to Lancaster street aforesaid by means of an aqueduct the water from any spring or springs of water in the neighbourhood of, and not more than one

mile distant from said Street, and to secure to them the exclusive right to such springs.—

Section 4. And be it further enacted that said corporation shall have power to convey the water from any such spring or springs to said Lancaster street and there to distribute the same by means of an aqueduct and cisterns to be by them built for that purpose, provided the land upon which said aqueduct and cisterns are built is owned by said corporation, or the owners of such land shall have previously consented thereto.

Section 5. And be it further enacted that the share or shares of any of said proprietors may be transferred by deed duly executed and acknowledged and recorded by the clerk of said proprietors on their records, and the share or shares of any proprietor may be sold by said corporation on nonpayment of assessment duly made, agreeable to the bylaws that may be agreed upon by said corporation.—

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE CHESHIRE MANUFACTURING COMPANY.

[Approved June 21, 1823. Original Acts, vol. 27, p. 113; recorded Acts, vol. 22, p. 332. See act of July 9, 1846, Session Laws, 1846, Chap. 428.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Thomas S. Fullerton, Nathaniel Fullerton, William Henry, Thomas T. Barrett, Thomas Robinson, Artemas Lawrence, William Wilder, Jonas M. Melville, William Ainsworth and their associates and successors be and they hereby are incorporated and made a body politic forever by the name of the Cheshire Manufacturing Company, and in that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature and also may have and use a common seal which they may break alter or renew at pleasure.—

Section 2. And be it further enacted that said corporation be, and the same is hereby empowered, to carry on the manufacture of cotton goods and such other branches of trade and manufacture as shall be necessarily or conveniently connected therewith at Jaffrey and may erect such mills, works, dams, machines and buildings as may be necessary for carrying on these useful manufactures and branches of business.—

Section 3.—And be it further enacted that the said corporation be and the same is hereby authorized to acquire by purchase or otherwise and to hold and enjoy such real or personal estate as may be necessary and useful in conducting the business of said factory, the same to sell, convey and dispose of at pleasure: Provided, the estate held by said corporation shall not at any time exceed one hundred and fifty thousand dollars; and the said capital or joint stock may be divided into as many shares as the proprietors at a legal meeting shall agree and decide; and in like manner the said proprietors may agree on the manner of transferring them, and may elect an agent or agents and such other officers and servants as may be deemed necessary and prescribe their respective duties; may order assessments and fix the time of their payment; may limit the amount which said assessments shall not exceed, without the consent of all the proprietors; may pass by-laws for their regulation and government and may do and transact any other business in relation to the concerns and for the benefit of said corporation; all elections and all other questions, if required, shall be determined by a majority of votes present or represented at any meeting, accounting & allowing one vote to each share in all cases, and all representations shall be in writing signed by the person represented and filed with the Clerk.

Section 4. And be it further enacted that the shares in said corporation shall be liable and holden for all assessments legally made thereon, and upon the non payment of such assessments or any part thereof for the space of thirty days after the same shall have become due and payable the Treasurer may proceed in the manner prescribed in the by-laws of said corporation to advertise and sell at public auction such delinquent shares or so many of them as may become necessary to pay the sums due thereon, with incidental charges.—

Section 5.—And be it further enacted, that the said Thomas S. Fullerton, Artemas Lawrence and William Ainsworth or any two of them be authorized to call the first meeting of said company to be holden at any suitable time and place by publishing a notice thereof in some newspaper printed in the County of Cheshire three weeks successively before said meeting.—

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT REPEALING AN ACT ENTITLED "AN ACT FOR THE PRESERVATION OF FISH IN BEAVER POND SO CALLED IN LONDONDERRY IN THE COUNTY OF ROCKINGHAM

[Approved June 21, 1823. Original Acts, vol. 27, p. 114; recorded Acts, vol. 22, p. 335. Session Laws, 1823, Chap. 18. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 766.]

Be it enacted by the Senate and House of Representatives in General Court convened, that an Act entitled "An act for the preservation of fish in beaver pond so called in Londonderry in the County of Rockingham" passed June 17, 1819 be and the same hereby is repealed.—

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE SUPERIOR COURT OF JUDICATURE, TO APPOINT AUDITORS, IN CERTAIN CASES.

[Approved June 23, 1823. Original Acts, vol. 27, p. 115; recorded Acts, vol. 22, p. 336. Session Laws, 1823, Chap. 19. Laws, 1824 ed., p. 187; id., 1830 ed., p. 377. See acts of June 22, 1826, *post*; December 28, 1836, Session Laws, November, 1836, Chap. 279, and July 4, 1837, id., 1837, Chap. 328. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened

That whenever in any Action before the Superior Court of Judicature, it shall appear to said Court that an investigation of Accounts, or an examination of vouchers is necessary, for the purpose of Justice between the parties, it shall be lawful for the said Court to appoint an Auditor, or Auditors, to state the Accounts between the parties, and make report thereof to the Court as soon as may be, and the report so made, shall under the direction of said Court be given in evidence to the jury, subject however to be impeached, by evidence from either party; and the said Court shall award reasonable compensation to such Auditor, or Auditors, which shall be taxed in the Bill of Cost, to be recovered by the party prevailing in the suit as in other cases.

Section 2^d Be it further enacted that when any person, or persons, parties to any action pending in said Court, in which action said Justices shall appoint an Auditor, or Auditors to state the Ac-

counts, between the parties as aforesaid; shall unreasonably refuse, or neglect to appear, at the time and place assigned by the Auditors, or after appearing shall refuse, or neglect to render an account, or produce such books, and papers, and to answer on oath such interrogatories relating to the matter in controversy, as may be pertinent, and material; the Auditors may certify such refusal or neglect to the Court, from which their appointment issued; and the same Court may thereupon cause damages to be assessed, by a Jury, and enter up judgement for the damages so assessed with reasonable costs, or they may render judgment against the Defendant as upon default or against the Plaintiff as upon nonsuit.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO REPEAL AN ACT, PASSED JUNE 28TH 1818. ENTITLED "AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT, PRESCRIBING THE DUTY AND DIRECTING THE MODE OF CHOOSING REGISTERS OF DEEDS, AND COUNTY TREASURERS",

[Approved June 24, 1823. Original Acts, vol. 27, p. 116; recorded Acts, vol. 22, p. 338. Session Laws, 1823, Chap. 20. Laws, 1824 ed., p. 190. The act referred to is dated June 23, 1818, Laws of New Hampshire, vol. 8, p. 690. See acts of June 8, 1791, id., vol. 5, p. 743; June 10, 1802, id., vol. 7, p. 54; act immediately following; act of July 5, 1827, *post*, and June 25, 1830, Session Laws, 1830, Chap. 8.]

Section 1. Be it enacted by the Senate, and House of Representatives, in General Court convened: that the Act aforesaid, be and the same is hereby repealed.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT, PRESCRIBING THE DUTY, AND DIRECTING THE MODE OF CHOOSING REGISTERS OF DEEDS, AND COUNTY TREASURERS.

[Approved June 26, 1823. Original Acts, vol. 27, p. 117; recorded Acts, vol. 22, p. 339. Session Laws, 1823, Chap. 21. Laws, 1824 ed., p. 190. See act immediately preceding. Repealed July 5, 1827, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that if any Town Clerk, shall neglect, or refuse to make return of votes for Register of Deeds and County Treasurer, as by the Act, to which this is in addition, he is

directed to do; he shall forfeit and pay for the use of the County, a sum not exceeding fifty dollars, nor less than twenty dollars.—

Section 2. And be it further enacted, that the Clerks, of the several Courts of Sessions, soon as may be, after the return day of said votes in their respective Counties, shall give information to the Attorney General of all violations of this Act—that such offending Town Clerks may be prosecuted by information, indictment, or otherwise, in any Court proper to try the same—

provided that all suits brought for penalties incurred, by breaches of this Act, shall be commenced within six months from the return day of said votes, as aforesaid—

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT TO INCORPORATE THE DIRECTORS OF THE NOYES SCHOOL IN THE TOWN OF ANDOVER.

[Approved June 26, 1823. Original Acts, vol. 27, p. 118; recorded Acts, vol. 22, p. 341. The act referred to is dated July 2, 1822, *ante*, p. 138.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Directors of Noyes School in Andover incorporated by the Legislature of this State by an act approved July 2. 1822 may hereafter possess and hold free from taxation real estate to the value of four thousand dollars and personal estate to the amount of six thousand dollars, instead of the five thousand dollars exempted from taxation in and by the act aforesaid—

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE SMITHVILLE FACTORY.

[Approved June 26, 1823. Original Acts, vol. 27, p. 119; recorded Acts, vol. 22, p. 342.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Thomas Baker, John Cavender, Robert Smith, Charles Tappan, Isaac Mansfield, their associates, successors and assigns, be, and they hereby are incorporated by the name of the Smithville Factory; and by that name may sue and be sued, prosecute and defend to final judgment and

execution, and be known and distinguished in their acts and proceedings, in all cases whatever; and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That said Corporation is hereby empowered to carry on the manufacture of Cotton and other goods, and the business necessarily and conveniently connected therewith, at Northfield in the county of Rockingham, and may construct and erect such dams, mills, works and buildings, as may be necessary & convenient for carrying on and conducting these useful manufactures.

Sec. 3. And be it further enacted, That said Corporation is hereby authorized to acquire by purchase, or otherwise, and to hold and enjoy such real and personal estate, as may be necessary and useful in conducting the business of said Factory, upon its present or a more enlarged scale; and the same to sell, convey and dispose of at pleasure: provided the estate holden by said Corporation shall not at any time exceed one hundred and fifty thousand dollars.

Sec. 4. And be it further enacted, that Thomas Baker, John Cavender, and Robert Smith, or any two of them, may call the first meeting of said Corporation by giving ten days' personal notice, or by advertising in some newspaper printed in the county of Rockingham, giving at least twenty days notice of the time, place and design of such meeting; at which they shall choose a Secretary or Clerk, who shall be sworn faithfully to discharge the duties of his office, and whose duty it shall be to record the proceedings of said Corporation, and perform such other services as may be lawfully required of him: And at the same, or any subsequent meeting duly holden, the said members may agree on the manner of calling their future meetings; may divide their capital or joint stock into any number of shares, not exceeding one hundred, and agree on the manner of transferring them; may order assessments, and fix the time in which they shall be paid; elect a Treasurer, agent or agents, and such other officers and servants as they may deem necessary, and prescribe their duties; pass by-laws for their regulation and government, and do and transact any business in relation to the concerns and for the benefit of said Corporation. All elections, and all other questions, if required, shall be determined by a majority of votes present, or represented at any meeting, accounting and allowing one vote to each share in all cases; and all representations shall be made in writing, signed by the person represented and filed with the Secretary.

Sec. 5. And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments legally made thereon, and upon non-payment of such assessments, or any part thereof, for the space of thirty days after the same shall have become due and payable, the Treasurer may pro-

ceed in the manner prescribed in the by-laws of said Corporation, to advertise and sell at publick auction such delinquents' shares, or so many of them as may be necessary to pay the sums due thereon with incidental charges.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT AUTHORIZING SCHOOL DISTRICT NUMBERED TEN IN THE TOWN OF CONCORD TO HOLD FIVE EIGHTHS OF AN ACRE OF LAND AS A SCHOOL-HOUSE LOT.

[Approved June 26, 1823. Original Acts, vol. 27, p. 120; recorded Acts, vol. 22, p. 345. See act of July 4, 1829, Acts, vol. 27, p. 187.]

BE it enacted by the Senate and House of Representatives in General Court convened, That the school district, numbered ten in the town of Concord and county of Rockingham, be, and hereby is authorized and empowered to possess and hold, in fee simple, five eighths of an acre of land, as a school-house lot, whereon to erect a school-house or school-houses, and other buildings for the accommodation of a school or schools in said district; and to maintain any action of ejectment or trespass against any person or persons who may enter upon, or do damage to said land, or to the buildings thereon, and the same to pursue to final judgment and execution, as fully and effectually as school districts may by law prosecute for trespasses on school house lots not exceeding one fourth part of an acre.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT DEFINING THE POWERS AND DUTIES OF ASSESSORS OF TAXES.

[Approved June 26, 1823. Original Acts, vol. 27, p. 121; recorded Acts, vol. 22, p. 346. Session Laws, 1823, Chap. 25. Laws, 1824 ed., p. 188. Repealed by act of June 28, 1827, *post.*]

Whereas doubts have arisen, whether assessors of taxes in such towns as may choose the same, have the whole power of assessing taxes, or whether in such assessments they must act jointly with the Selectmen of such towns; for removal of which doubts,—

Sect. 1.—Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of

this Act, assessors of taxes in every town that may choose the same, shall, together with the Selectmen of such town, constitute a joint board for the assessment of taxes; and all questions arising at such board shall be decided by the major vote of the joint members thereof.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO CREATE A CORPORATION BY THE NAME OF THE PROPRIETORS OF THE EATON LIBRARY.

[Approved June 26, 1823. Original Acts, vol. 27, p. 122; recorded Acts, vol. 22, p. 347.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Flanders, John March and Robinson Blasdell and their associates and successors be and they hereby are created a corporation by the name of the Proprietors of the Eaton Library, with power to hold personal estate not exceeding five thousand dollars in value for the support of said library & with all other powers incident to corporations of a similar nature.

Section 2. And be it further enacted that Samuel Flanders may call the first meeting of said Proprietors by posting up notice thereof at two public places in the town of Eaton ten days previous to the time of holding the same.

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A PROVIDENT INSTITUTION FOR SAVINGS, IN THE TOWN OF PORTSMOUTH, TO BE CALLED THE PORTSMOUTH SAVINGS' BANK.

[Approved June 26, 1823. Original Acts, vol. 27, p. 123; recorded Acts, vol. 22, p. 349.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Elijah Hall Hunking Penhallow, Jeremiah Mason, James Sheafe Enoch G. Parrott, Nathaniel A. Haven, John Haven, Edward Cutts, Henry Ladd, Israel W. Putnam, Nathan Parker, Sebastian Streeter, Charles Burroughs, Timothy Upham, Ichabod Bartlett, Alexander Ladd, Nathaniel B. March, Jacob Cutter, James Rundlett, Titus Salter,

John W. Foster, Jacob Wendell, Theodore Chase, and John M'Clinck—to be and they hereby are incorporated into a Society by the name and style of the Portsmouth Savings Bank; and that they, and such others as shall be duly elected members of said corporation at the annual meetings thereof, according to such by-laws as may hereafter be established, shall be and remain a body politic and corporate by said name and style forever, for the purpose of enabling industrious persons of all descriptions to invest such parts of their earnings as they can conveniently spare, in a safe and profitable manner; and with all the powers and privileges, and subject to all the liabilities of corporations of this nature.

Sect. 2. And be it further enacted that the said corporation shall be capable of receiving from any person or persons disposed to enjoy the advantages of said Savings' Bank any deposit, or deposits of money or other personal property, and to use, manage, and improve the same for the benefit and advantage of the person or persons by, or for whom the same shall be deposited respectively; and the net income and profits of all deposits of money received by said corporation, shall be paid out and distributed in just proportions, among the several persons by or for whom the said deposits shall have been made, and all such deposits may be withdrawn by the persons entitled thereto, at such reasonable times and in such manner as said corporation in its by-laws may direct and appoint; or according to such lawful conditions and limitations as the depositors agreeably to the regulations of said society, may respectively have prescribed and annexed to their deposits.

Sect. 3. And be it further enacted that the said corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing their affairs: provided that such real estate held at any one time for the purpose aforesaid, shall not have exceeded in value at the time of the purchase or acceptance thereof by said corporation, the sum of six thousand dollars. And the said corporation shall be further able to take, hold, and dispose of any real estate whatsoever, which may be, bona fide, mortgaged or pledged for the security of its loans or debts due to it; or which may be bona fide conveyed to, or taken by said corporation in satisfaction or discharge of debts, demands, or liabilities, which shall have been previously contracted or incurred.

Sect. 4. And be it further enacted that said corporation shall not make and issue any bill, or promissory note to circulate as currency. And the President and members of said corporation shall receive no compensation for their services in said Savings' Bank, nor derive any emolument therefrom; provided however that a reasonable allowance may from time to time be made to their Treasurer, or Secretary. And the books and accounts of said corporation shall at all times be open to the inspection of the Governor

of this State; of any Justice of the Superior Court of Judicature; or of a committee for that purpose appointed, of either branch of the Legislature.

Section 5. And be it further enacted, that the number of members of said corporation shall not exceed forty at one time; And any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said corporation, provided that such meetings shall have been duly notified in conformity to the by-laws of said corporation; and provided further that said corporation may by their by-laws require the attendance of one or more of their officers by them designated to constitute a quorum for the election of new members in addition to the number of members herein before prescribed.

Sect. 6. And be it further enacted that Enoch G. Parrott, Jacob Cutter and Alexander Ladd or any two of them be and they hereby are authorized to call the first meeting of said corporation at such time and place, and in such manner as they shall judge proper

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE TOWN OF MERRIMAC MANUFACTURING COMPANY.

[Approved June 26, 1823. Original Acts, vol. 27, p. 124; recorded Acts, vol. 22, p. 352.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Charles H Atherton, David Holmes, Matthias Spalding, David M^cGregor Means, Frederick French and their associates, their successors and assigns be and they hereby are incorporated by the name of the Town of Merrimac Manufacturing Company, and by that name may sue and be sued, and shall be and hereby are vested with all the powers and privileges incident by law to corporations of a similar nature.

Section 2. And be it further enacted, that said corporation is hereby empowered to carry on any lawful manufacture of raw or prepared materials into goods, wares and merchandize at Merrimac in the County of Hillsborough, and for that purpose to acquire by purchase or otherwise and to hold and enjoy personal and real estate at any one time to the value of two hundred thousand dollars and the same to sell, transfer and dispose of at pleasure.

Section 3. And be it further enacted, that Charles H. Atherton, David Holmes, Matthias Spalding, or any two of them, may call the

first meeting thereof by giving ten days personal notice, or by advertising it in some newspaper printed in the County of Hillsborough, giving at least twenty days notice of the time, place and design of such meeting; at which they shall choose a clerk who shall be sworn faithfully to discharge the duties of his office, who shall record their proceedings and perform such other duties as the bye-laws may require; and at the same or any subsequent meeting duly holden may agree on the manner of calling future meetings, may divide their stock into any number of shares not exceeding sixty four, and agree on the manner of transferring them, may order assessments, elect a Treasurer, such agents, officers, and servants as they may deem necessary and prescribe their duties; pass bye-laws for their regulation and government and do and transact all such matters and things as have relation to their concerns; a majority of votes present or represented shall decide all questions before any meeting of the corporation counting one vote to each share in all cases; and all representations shall be in writing, signed by the person represented and filed with the Clerk.

Section 4. And be it further enacted, that the shares in said corporation shall be liable and holden for the payment of all assessments legally made thereon and upon the non-payment of such assessments or any part thereof for the space of thirty days after the same shall have become due and payable, the Treasurer may proceed in the manner prescribed in the by-laws to advertise and sell at public auction such delinquent shares or so many of them as may [be] necessary to pay the sums due thereon with incidental charges.

[CHAPTER 29.]

State of)
New Hampshire. }

AN ACT FORMING THE TOWNS OF WHITEFIELD AND DALTON IN THE COUNTY OF COOS INTO ONE CLASS; AND THE TOWNS OF BETHLEHEM, FRANCONIA AND LINCOLN IN THE COUNTY OF GRAFTON INTO ANOTHER CLASS, FOR THE CHOICE OF REPRESENTATIVES TO THE GENERAL COURT.—

[Approved June 26, 1823. Original Acts, vol. 27, p. 125; recorded Acts, vol. 22, p. 355. Session Laws. 1823, Chap. 29. See act of June 11, 1811, Laws of New Hampshire, vol. 8, p. 7.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this Act the towns of Whitefield and Dalton in the County of Coos, be and the same are hereby classed for the purpose of sending a

Representative to the General Court. Also, that the towns of Bethlehem, Franconia and Lincoln in the County of Grafton be and the same are hereby classed for the purpose of sending a Representative to the General Court.

Sec. 2. And be it further enacted, that the first meeting of the class composed of the towns of Whitefield and Dalton shall be held in the town of Whitefield, and the following meetings shall be held alternately in said towns of Whitefield and Dalton in the same manner as is by law prescribed for other classes in this State for the choice of Representatives, so long as said towns shall continue to be so classed.—

Sec. 3. And be it further enacted, that the first meeting of the class composed of the towns of Bethlehem, Franconia and Lincoln, shall be held in the town of Franconia, and the following meetings shall be held alternately in said towns of Franconia and Bethlehem, in the same manner as is prescribed by law for other classes in this state for the choice of representatives so long as said towns shall continue to be so classed.

Sec. 4. And be it further enacted, that all laws heretofore made which relate to the classification of the towns aforesaid, for the choice of Representatives to the General Court, be and the same are hereby repealed.

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT TO DISANNEX THE TOWN OF CHATHAM FROM THE COUNTY OF COOS AND ANNEX THE SAME TO THE COUNTY OF STRAFFORD.

[Approved June 26, 1823. Original Acts, vol. 28, p. 1; recorded Acts, vol. 22, p. 357. Session Laws, 1823, Chap. 30. Repealed by act of January 2, 1829, *post.*]

Sect. 1.—Be it enacted by the Senate and House of Representatives in General Court convened, that the said town of Chatham, with the inhabitants thereof be, and the same hereby is disannexed from the County of Coos, and annexed to, and made a part of the County of Strafford; any law to the contrary notwithstanding: Provided, that nothing herein contained shall exonerate the said town of Chatham from its liability for all taxes and assessments imposed by law and payable to said County of Coos, or other dues to said County.

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT TO DISANNEX THE FARMS OF JONATHAN HARDY AND EDWARD SHIRLEY FROM CONWAY, AND ANNEX THEM TO CHATHAM.

[Approved June 26, 1823. Original Acts, vol. 28, p. 2; recorded Acts, vol. 22, p. 358. Session Laws, 1823, Chap. 32.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the northeast corner lot in the town of Conway, containing one hundred acres, being the farms occupied by, and whereon Jonathan Hardy and Edward Shirley now live, be, and the same hereby is, together with the said Hardy and Shirley, disannexed from the town of said Conway, and annexed to and made a part of the town of Chatham: Provided, that the said Hardy and Shirley shall not hereby be exonerated from any liability for such taxes or assessments as have been legally made against them by said town of Conway.

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF DALTON BRIDGE"—APPROVED JUNE 27, 1818.

[Approved June 28, 1823. Original Acts, vol. 28, p. 3; recorded Acts, vol. 22, p. 359. Session Laws, 1823, Chap. 33. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 729. See also acts of December 23, 1828, *post*; December 27, 1844, Session Laws, November, 1844, Chap. 202; December 26, 1848, *id.*, November, 1848, Chap. 796, and July 2, 1870, *id.*, 1867-71, p. 468.]

Whereas the time allowed to said proprietors in and by said act for the completion of said bridge, has been found to be insufficient for that purpose: Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That there be granted and allowed to the proprietors of the said Dalton Bridge the farther time of three years from the twenty seventh day of June instant to complete the building of said Bridge; and that the said act, to which this is in addition, be and continue to remain in full force the said farther term of three years in the same manner as if the said original act had been limited to the term of eight years instead of five years from the passing thereof; any thing therein to the contrary notwithstanding.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A SYSTEM OF POLICE IN THE TOWN OF PORTSMOUTH, AND FOR OTHER PURPOSES.

[Approved June 28, 1823. Original Acts, vol. 28, p. 4; recorded Acts, vol. 22, p. 361. Session Laws, 1823, Chap. 72. Laws, 1824 ed., p. 190; id., 1830 ed., p. 269. This act repeals act of June 18, 1807, Laws of New Hampshire, vol. 7, p. 613. See also acts of July 1, 1831, Session Laws, 1831, Chap. 33, and July 4, 1837, id., 1837, Chap. 343. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That it shall be the duty of the Selectmen of the town of Portsmouth, every year, within ten days after the annual town-meeting for the choice of town officers, to appoint and commission in writing under their hands, or the hands of the major part of them, a suitable number of persons, not exceeding seven, who shall be reputable freeholders and inhabitants of said town of Portsmouth, to be Police Officers within said town. And said Police Officers shall be sworn to the faithful discharge of their duty, and shall be, by virtue of said appointment, constables and conservators of the peace; and shall hold their offices for one year, and until their successors shall be appointed and duly qualified; and shall receive such compensation for their services as the said town of Portsmouth shall vote at any legal town meeting.

Sect. 2. And be it further enacted, That if any person or persons shall in any street, lane or alley, or in any public place in the town of Portsmouth, be guilty of any rude, indecent or disorderly conduct; or shall insult, or wantonly impede any person or persons passing therein; or shall sing or repeat, or cause to be sung or repeated any lewd, obscene, or profane songs; or shall speak or repeat any lewd, obscene or profane words; or shall within said town of Portsmouth write or mark in any manner any obscene or profane word, or obscene and lascivious figure or representation on any building, fence, wall, post, or other thing whatsoever, or shall wantonly injure or deface any building, fence, wall, post, sign-board, or sign; or shall wantonly cut and injure any tree standing in the streets or highways of said town; or shall rob any garden, or field, of fruit or vegetables, or shall wantonly injure any trees, shrubs, or bushes growing therein; or shall without lawful permission climb on or over the fences of any garden or yard; or shall be found drunk in any street, lane, alley or public place; or shall within said town use any juggling or unlawful games or plays; or shall be a common night-walker or prostitute; or shall make any brawls or tumult; or shall wantonly or knowingly raise or repeat any false

cry of fire; that every such person for every such act, shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties herein after expressed.

Sect. 3. And be it further enacted, That if any person or persons shall in any public place, or at any wharf, in the town of Portsmouth, or within the view of any dwelling-house, or of any public street, road or wharf in said town, in the day time bathe or swim without necessity, or expose his or her person indecently in dressing or undressing for the purpose of bathing or swimming, or otherwise, without necessity, every such person, for every such act, shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties herein after expressed.

Sect. 4. And be it further enacted, That if any person or persons shall within the compact part of the town of Portsmouth, that is to say, within one mile of the Court-house, fire or discharge any cannon, gun, pistol, or other fire arms, or beat any drum (except by the command of a military officer having authority therefor) or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder (except by the permission of the Police Officers, or of a major part of them first had in writing) or shall make any bonfire; or shall in any street, lane, alley, or other public place within the aforesaid limits, throw any stones, bricks, snowballs, or dirt, or play at ball or any game in which ball is used, or play at any game whatsoever for money; or smoke any pipe, or cigar; every such person, for every such act, shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties herein after expressed.

Sect. 5. And be it further enacted, That if any person or persons shall place and leave, or cause to be placed and left in any street, lane or alley, or other public place within the compact part of said town, for the term of two hours by day, or for the term of one hour by night, without inevitable necessity, any sled, wheel-barrow, cart, trucks, chaise, or other carriage, or any boxes, crates, casks, tubs, or other vessel; or shall suffer any cord-wood or fuel to remain in any such street, lane or alley for more than three hours, without inevitable necessity; or shall place or throw, or cause to be placed or thrown into any such street, lane or alley, any dung, dirt, or other matter that may impede the free passage of said street, and suffer the same to remain therein without inevitable necessity for more than two hours at a time; or shall, without such necessity, drive any wheel carriage, or sled, or wheel-barrow on or over the side pavements or walks of such street, lane or alley, or ride or lead any horse thereon; every such person for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties herein after expressed.

Sect. 6. And be it further enacted, That the Police Officers of said town of Portsmouth be, and they hereby are authorized to

make from time to time such regulations as they may deem expedient for the stands of hacks, trucks, and carts in any street, lane, or alley within the compact part of said town; and for the height and position of any awning, shade or other fixture that may be erected or placed in any such street, lane or alley in front of, or near any building; and also, respecting any obstructions or nuisances in any street, lane or alley within the compact part of said town of Portsmouth; provided that said regulations be first approved by the Selectmen of said town for the time being, or a major part of them; And every violation of such regulations, so made and approved as aforesaid, shall be taken and deemed to be an offence against the police of Portsmouth; and every person so offending shall be liable, to the penalties herein after expressed; provided always however, that no prosecutions shall be sustained for any such violation, unless notice be given of the passing of such regulations, by causing the same to be published in the newspapers printed in said town a reasonable time before they shall take effect.

SECT 7. And be it further enacted, That every person duly convicted of an offence against the police of Portsmouth shall be punished by a fine not exceeding five dollars, nor less than one dollar, and shall pay costs of prosecution, and shall stand committed until the same be paid; and if said person so convicted be a minor, under the age of fourteen years, the parent or guardian of such minor shall be liable to pay the same, and an action of debt therefor may be brought by said Police Officers in the name of the town of Portsmouth against such parent or guardian; provided such parent or guardian shall have received due notice of the time and place of trial of such minor, for such offence: And all penalties adjudged under this act shall be paid to the magistrate imposing the same, and shall be by him paid over to the town of Portsmouth; and any Justice of the Peace in the county of Rockingham may have cognizance of the offences enumerated in this act; and it shall be no cause of exception to any such Justice, that he resides, or has property in the town of Portsmouth. And no trial shall be had for any offence mentioned in this act, but upon complaint first made on oath; and the form of such complaint and of the warrant issued thereon shall be as follows, to wit;

Form of Complaint.

State of New-Hampshire.

Rockingham, ss. The information and complaint of A.B. of..... in the county of.....(*as the case may be*) taken and made before me, E.F. Esquire, one of the Justices of the Peace within and for said county, on this..... day of in the year of our Lord, one thousand eight hundred and.....who, on his oath, saith, that X.Y. of.....in the county of.....(*as the case may be*) [*or, if his name be not known, say, "a person whose*

name is not known, but who may be recognized by the following description," *and here set forth as particular a description as possible*] hath been guilty of an offence against the Police of Portsmouth, in this, towit, that he the said.....[*here set forth the offence with sufficient certainty of time and place*] and therefore the said A.B. prayeth that justice may be done in the premises.

(Signed,)

A.B.

Sworn to before me, E.F.—

Form of Warrant.

The State of New-Hampshire.

Rockingham, ss. To the Sheriff of said county of Rockingham, or his Deputy, or to either of the Constables or Police Officers of the town of Portsmouth in said county.....Greeting. You are hereby commanded, upon sight hereof, to take and bring before me, E.F. Esquire, a Justice of the Peace, within and for said County, or some other Justice of the Peace within and for said County, the body of X.Y. of.....in the county of.....(*as the case may be*) [or, if his name be not known, say, "the body of a (*man, or woman, or child, as the case may be*) whose name is not known, and who may be recognized by the following description," *and here set forth as particular a description as possible*] to answer all such matters as shall be objected against him [or her] for an offence against the Police of Portsmouth, in this, towit, [*here set forth the offence as in the complaint*] Hereof fail not at your peril, and make due return of your doings herein. -Given under my hand and seal at..... in the year of our Lord.....

E. F. Justice of the Peace.

And the magistrate, before whom such complaint shall be made, may at his discretion so vary the above form as to cause the offender to be summoned before him at a time and place certain, instead of being arrested; and the mode of summoning such offender shall be by delivering to him [or her] an attested copy of said warrant; and in case any person shall be duly summoned as aforesaid, and shall not appear at the time and place designated in such summons, the magistrate shall proceed to hear such testimony as may be adduced in support of the complaint, and shall convict or acquit the person so summoned in like manner as if he were present at the trial. And in all cases of conviction under this act, the person so convicted shall have a right to appeal to the next Superior Court of Judicature to be holden within and for the county of Rockingham; provided however, that such appeal shall be claimed within four hours after conviction; and that the person so appealing, (*or his parent or guardian as the case may be*) shall give bond with sufficient sureties to the town of Portsmouth, to prosecute said appeal with effect, and to pay double cost in case he or she shall not be acquitted or discharged at the Superior Court.

Sect. 8. And be it further enacted, That any such Police Officer so appointed and commissioned as aforesaid, upon view of any offence committed against the provisions of the second, third and fourth sections of this act, may arrest the person or persons so committing the same, and shall carry him or them forthwith before some Justice of the peace to answer for the same; provided said arrest shall be made at any time between sun-rise and sun-set; but if said arrest shall be made at any time after sun-set and before sun-rise, such Police Officer shall have authority to commit the person or persons so arrested to Bridewell, or the House of Correction, or otherwise retain him in safe custody until the following day; when such person or persons so arrested, shall be taken before some Justice of the Peace and tried for such offence, as is herein before provided; and the oath of any Police Officer shall be deemed full and sufficient evidence upon the trial of any offence committed against the provisions of this act, unless in the judgment of the Court or Justice before whom such trial shall be had, the same shall be invalidated by other evidence that may be adduced; and any Police Officer of said town in the execution of the provisions of this act, may command aid in like manner as, by law, any sheriff, or deputy sheriff, may do in executing the office of sheriff, and under like penalties of refusal.

Sect. 9. And be it further enacted, That as soon as may be, after the passing of this act, the Selectmen of Portsmouth may appoint and commission Police Officers, as prescribed in the first section hereof, in like manner as if it were within ten days after the annual town-meeting; and such Police Officers so appointed and commissioned shall hold their offices until the next annual town-meeting, and ten days, or until their successors shall have been duly appointed and qualified to act.

Sect. 10. And be it further enacted, That an act passed the eighteenth day of June in the year of our Lord one thousand eight hundred and seven, entitled, "an act for the regulation of the Police in the town of Portsmouth," as well as such parts and provisions of all other acts, as are inconsistent with the provisions of this act, be, and the same are hereby repealed: provided however, that the same shall be and remain in force for the cognizance, trial and punishment of all such offences therein mentioned as have been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

Sect. 11. And be it further enacted, That any town or towns in this State, at their annual meeting, or at any other meeting lawfully called for this purpose, may adopt such of the provisions of this foregoing act, as they may deem expedient and necessary; in which case such provisions so adopted shall be considered to extend to such town or towns adopting the same, as fully to all intents and purposes as to the town of Portsmouth.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT FORMING THE TOWNS OF DANBURY AND ORANGE INTO ONE CLASS AND DORCHESTER AND DAME'S GORE INTO ANOTHER CLASS FOR THE CHOICE OF REPRESENTATIVES TO THE GENERAL COURT.

[Approved June 28, 1823. Original Acts, vol. 28, p. 5; recorded Acts, vol. 22, p. 372. Session Laws, 1823, Chap. 35.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this act the towns of Danbury and Orange in the County of Grafton be and the same are hereby classed for the purpose of sending a representative to the General Court. Also that the town of Dorchester and Dame's Gore a place unincorporated in the County of Grafton be and the same are hereby classed for the purpose of sending a representative to the General Court.

Section 2. And be it further enacted, that the first meeting of the class composed of the towns of Danbury and Orange, shall be held in Danbury and the following meetings shall be held alternately in said towns of Danbury and Orange in the same manner as is by law prescribed for other classes in this State for the choice of representatives so long as said towns shall continue to be so classed

Section 3. And be it further enacted, that all the meetings in the class composed of Dorchester and Dame's Gore shall be holden in Dorchester and that notice shall be given to the legal voters of Dame's Gore for the choice of representatives by posting up a notice in the same way as notice is required to be given by law to the legal voters in Dorchester—and that all the meetings for the choice of Representative in Dorchester and Dame's Gore shall be holden annually on the day by law prescribed for the choice of State and County officers

Section 4 And be it further enacted that all laws heretofore made which relate to the classification of the towns aforesaid for the choice of representatives, be and the same are hereby repealed.—

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT TO ANNEX SUNDRY TRACTS OF LAND TO THE TOWN OF BARTLETT.

[Approved July 1, 1823. Original Acts, vol. 28, p. 6; recorded Acts, vol. 22, p. 374. Session Laws, 1823, Chap. 36.]

BE it enacted by the Senate and House of Representatives in General Court convened, That the several locations, grants and tracts of land included within the following described limits, towit; beginning at the southwest corner of Gridley's location, being the northwesterly corner of said town of Bartlett, thence running north eighty three degrees west, one thousand and twenty six rods to the summit of Baldface mountain; thence south twenty degrees west, two thousand and eight hundred rods to the northerly line of the town of Burton; thence eastwardly, bounding on the northerly line of said Burton, two thousand eight hundred and eighty rods to the westerly line of Hale's location; thence northwardly on said Hale's location to the northwesterly corner thereof; thence eastwardly on said location to the westerly line of Conway; thence northwardly on said westerly line of Conway to the southerly line of said town of Bartlett, and thence adjoining said Bartlett to the first mentioned boundary—be; and the same hereby are annexed to and made a part of the said town of Bartlett in the county of Coos; and that the territory now constituting the said township of Bartlett, with the addition of the several locations, grants and parcels of land included within the limits aforesaid shall hereafter constitute one township, and be called and known by the name of Bartlett.—

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A PROVIDENT INSTITUTION FOR SAVINGS IN THE TOWN OF DOVER, BY THE NAME OF THE SAVINGS' BANK FOR THE COUNTY OF STRAFFORD.

[Approved July 1, 1823. Original Acts, vol. 28, p. 7; recorded Acts, vol. 22, p. 375.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That John Williams, Daniel M Durell, John Wheeler, Jacob M Currier, William Woodman, Jon-

athan Fiske, Charles W. Cutter, Asa Freeman, Nathan Crosby, Moses Paul, John B. H. Odiorne, William H. Delano, John G. Chase, J. P. Holden, Thomas W. Kittredge, John Chapman, John J. Sparling, Thomas W. Moulton, Jesse Varney, Walter C. Green, Moses Varney, Andrew Pierce, Joseph Doe, and Jeremiah Wilson, be, and they hereby are incorporated into a Society by the name and style of the Savings' Bank for the County of Strafford; and that they and such others as shall be duly elected members of said Corporation at the annual meeting thereof, according to such by-laws as may hereafter be established, shall be and remain a body politic and corporate by said name and style forever, for the purpose of enabling industrious persons of all descriptions to invest such parts of their earnings as they can conveniently spare in a safe and profitable manner; and with all the powers and privileges, and subject to all the liabilities of corporations of this nature.

Sec. 2. And be it further enacted, That the said Corporation shall be capable of receiving from any person or persons, disposed to enjoy the advantages of said Savings' Bank, any deposit or deposits of money, or other personal property, and to use, manage and improve the same for the benefit and advantage of the person or persons, by, or for whom the same shall be deposited respectively; and the net income and profits of all deposits of money received by said Corporation, shall be paid out and distributed in just proportion among the several persons by, or for whom the said deposits shall have been made; and all such deposits may be withdrawn by the persons entitled thereto, at such reasonable times, and in such manner as said Corporation in its by-laws may direct and appoint; or according to such lawful conditions and limitations as the depositors, agreeably to the regulations of said Society, may respectively have prescribed and annexed to their deposits.

Sec. 3. And be it further enacted, That the said Corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing its affairs: provided such real estate held at any one time for the purpose aforesaid, shall not have exceeded in value at the time of the purchase or acceptance thereof by said Corporation, the sum of six thousand dollars. And the said Corporation shall be further able to take, hold and dispose of any real estate whatsoever, which may be, bona fide, mortgaged or pledged for the security of its loans, or debts due to it, or which may be, bona fide, conveyed to, or taken by said Corporation in satisfaction or discharge of debts, demands, or liabilities, which have been previously contracted or incurred.

Sec. 4. And be it further enacted, That said Corporation shall not make and issue any bill or promissory note to circulate as currency. And the President and members of said Corporation shall receive no compensation for their services in said Savings' Bank, nor derive any emolument therefrom; provided however that a

reasonable allowance may from time to time be made to their Treasurer, or Secretary. And the books and accounts of said Corporation shall at all times be open to the inspection of the Governor of this State, of any Justice of the Superior Court of Judicature, or of a Committee for that purpose appointed, of either branch of the Legislature.

Sec. 5. And be it further enacted, That the number of members of said Corporation shall not exceed forty at any one time; and any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said Corporation; provided such meetings shall have been duly notified in conformity to the by-laws of said Corporation; and provided further that said Corporation may by its by-laws require the attendance of one or more of its officers designated to constitute a quorum for the election of new members in addition to the number of members herein before prescribed.

Sec. 6. And be it further enacted, That John Williams Daniel M. Durell and John Wheeler, or any two of them may call the first meeting of said Corporation at such time and place, and in such manner as they shall judge proper.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF WASHINGTON LODGE N^o 13 IN THE TOWN OF EXETER

[Approved July 1, 1823. Original Acts, vol. 28, p. 8; recorded Acts, vol. 22, p. 378.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Pottle, William Tenney, Nathan Batchelder, Nathaniel Boardman, Freese Dearborn, Enoch Rowe, Lawrence Brown, John Wentworth, Walter Little Jun., Jonathan A. Sargent, William Burley, Ebenezer S. Piper, and their associates and all persons who may hereafter become members of said Lodge be and they hereby are incorporated and made a body politic forever by the name of The Washington Lodge N^o 13 in the Town of Exeter; and the said body corporate is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of two thousand dollars, and is vested with all the powers, rights and privileges incident to corporations of a similar nature

Section 2 And be it further enacted, that the said Samuel Pottle William Tenney, Nathan Batchelder or any two of them, may call

the first meeting of said Lodge by giving fourteen days notice of said meeting in the New Hampshire Patriot and State Gazette, or in the New Hampshire Statesman of the time and place of said meeting, and at said meeting, or any subsequent meeting, the members of said Lodge may choose a Secretary, and elect such other Officers, and establish such by laws, rules and regulations as may be deemed necessary for the Government of said Lodge and the carrying into effect the objects thereof, provided said by laws, rules and regulations be not repugnant to the Constitution and Laws of this State—

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT TO CONSTITUTE A COUNTY WITHIN THIS STATE BY THE NAME OF MERRIMAC, AND TO REPEAL AN ACT, ENTITLED, "AN ACT TO CHANGE THE PLACE OF HOLDING THE FEBRUARY TERM OF THE SUPERIOR COURT OF JUDICATURE, AND THE JANUARY TERM OF THE COURT OF SESSIONS, IN THE COUNTY OF ROCKINGHAM," PASSED JULY 3, 1822.

[Approved July 1, 1823. Original Acts, vol. 28, p. 9; recorded Acts, vol. 22, p. 380. Session Laws, 1823, Chap. 40. Laws, 1824, ed., p. 106. See act referred to *ante*, p. 157. See also act immediately following. Repealed by act of January 2, 1829, *post*.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That there be, and hereby is constituted and established a County within this State by the name of Merrimac; and that the same be, and hereby is vested, with all the powers and privileges which other Counties in this State possess and enjoy:—Provided that in the choice of Councillors the towns in said county of Merrimac shall remain attached to their respective Council districts.

Sec. 2. And be it further enacted, That said County of Merrimac shall contain all the lands and waters included in the following towns and places which now constitute a part of the county of Rockingham, towit; Allenstown, Bow, Canterbury, Chichester, Concord, Epsom, Loudon, Northfield, Pembroke, and Pittsfield; and the following towns and places which now constitute a part of the county of Hillsborough, towit; Andover, Boscawen, Bradford, Dunbarton, Fishersfield, Henniker, Hooksett, Hopkinton, New-London, Salisbury, Sutton, Warner and Wilmot; and that said towns be, and they are hereby disannexed from the respective counties to which they now belong.

Sec. 3. And be it further enacted, That the Superior Court of Judicature shall be holden at Concord in said county of Merrimac, on the second Tuesday of January, and on the second Tuesday of August, annually, the first term of said Court to commence on the second Tuesday of January next; and that there shall be a Court of Sessions in said county of Merrimac consisting of three Judges only, to be holden at said Concord on the last Tuesday of October and on the last Tuesday of April, annually, the first term of said Court of Sessions to commence on the last Tuesday of October next; and a Court of Probate to be holden at such times and places as the Judge of said Court may determine, or, as the Legislature may appoint, which shall have similar jurisdiction, possess like powers and privileges with other courts of sessions and courts of probate in this State; Provided that there shall, previous to the first day of August next, be erected and furnished for that purpose in said Concord and without expense to said County, a suitable building to the acceptance of the Justices of the Superior Court of Judicature for the accommodation of said Courts. And the term of the Superior Court of Judicature now holden at Hopkinton on the third Tuesday of April, and the term of the Court of Sessions, now holden at said Hopkinton on the first Tuesday of September, shall respectively hereafter be holden at Amherst within and for the county of Hillsborough.

Sec. 4. And be it further enacted, That the Justices of the Court of Sessions, Judge and Register of Probate, Sheriff, Register of Deeds, County Treasurer, and all other officers for and within said County of Merrimac, shall be appointed and chosen in the same manner as by the Constitution they are required to be appointed and chosen in other counties in this State.

Sec. 5. And be it further enacted, That the Representatives of the several towns composing said county of Merrimac are hereby authorized and empowered, at the session of the General Court in June next, to form themselves into a Convention for the purpose of granting and appropriating taxes for defraying the expenses of said county, to be assessed and collected in the same way and manner that County taxes are assessed and collected in the other counties of this State.

Sec. 6. And be it further enacted, That all actions and processes, which shall be pending or returnable to the Superior Court of Judicature in either of the counties of Rockingham or Hillsborough, at the time this act shall take effect, in which both or either of the parties shall belong to any town in said County of Merrimac, shall be heard and determined in the Court in which they are pending, or at which they are returnable, unless the Justices of said Court shall order said actions or processes to be removed to the said Court in the said County of Merrimac; and all petitions and other matters pending in the Courts of Sessions in the Counties of Rockingham

and Hillsborough, at the time this act shall take effect, in which both or either of the parties shall belong to any town in said County of Merrimac, shall upon the request of either party, be removed to, and be heard and determined by the Justices of the Court of Sessions in said County of Merrimac.

Sec. 7. And be it further enacted, That the act passed on the third day of July, one thousand eight hundred and twenty two, entitled, "an act to change the place of holding the February term of the Superior Court of Judicature, and the January term of the Court of Sessions in the County of Rockingham, be, and the same is hereby repealed.

Sec. 8. And be it further enacted, That the money which was assessed by the Convention for the county of Rockingham at their session held at Concord in June, one thousand eight hundred and twenty two, and ordered to be paid into the treasury of said county of Rockingham, on or before the first day of September, one thousand eight hundred and twenty three, shall be considered as belonging to and kept exclusively for the use of that part of said county of Rockingham which shall remain and constitute said county after this act shall take effect; and the estate, property, and county buildings, now belonging to the county of Rockingham, which shall remain in the county of Rockingham, shall be the property of said county of Rockingham.

Sec. 9. And be it further enacted, That those towns which are by this act set off from said county of Rockingham, and which make a part of the county of Merrimac hereby constituted, shall be assessed in their equal and just proportions with the other towns in the county of Rockingham, of the sum of one thousand dollars towards the support of County paupers; and the members of the county of Rockingham, including the members from the towns herein set off and to compose a part of said county of Merrimac, may meet in convention during the present session of the Legislature, and vote to assess said sum of one thousand dollars towards the support of the County paupers, and which sum the Convention may order to be paid into the treasury of the county of Rockingham, on or before the first day of September, one thousand eight hundred and twenty-four; and it shall be the duty of the Treasurer for said county of Rockingham to issue his precepts to the several towns by this act set off from said county of Rockingham and to compose a part of said county of Merrimac to assess and collect their proportion of the sum of one thousand dollars in the same way and manner as by law now established; And the Collectors of the several towns herein set off from said county of Rockingham, and to be constituted a part of said county of Merrimac, shall be required to pay to the Treasurer for the county of Rockingham their respective proportions of the sum of one thousand dollars in the

same way and manner as they would be required to do if this act had not passed.

Sec. 10. And be it further enacted, That of the money which was assessed by the Convention for the county of Hillsborough at their session held at Concord in June, one thousand eight hundred and twenty-two, and ordered to be paid into the treasury of said county of Hillsborough, on or before the first day of September one thousand eight hundred and twenty three, the sum of five hundred dollars shall be, and hereby is considered as belonging to and exclusively for the use of the county of Merrimac; and the Treasurer of the county of Hillsborough shall within thirty days after the first day of September, one thousand eight hundred and twenty-three, pay or cause to be paid to the Treasurer of the county of Merrimac said sum of five hundred dollars, which sum so paid to the Treasurer of said county of Merrimac, shall be held for the exclusive use and benefit of said county of Merrimac. And the estate, property, and county buildings, now belonging to the county of Hillsborough, which shall remain in the county of Hillsborough shall be the property of said county of Hillsborough; and all the estate, property and county buildings belonging to said county of Hillsborough falling and being within the county of Merrimac, shall be the property of said county of Merrimac.

Sec. 11 And be it further enacted, That the Justices of the Court of Sessions in and for said county of Merrimac shall immediately after the taking effect of this act, by a majority of votes appoint some suitable person to perform and discharge the duties of a County Treasurer, and also, some suitable person to discharge and perform the duties of a Register of Deeds in and for said county, both of whom shall be freeholders and residents in said county, who shall be sworn and give bonds previous to their entering upon the duties of their respective offices in the same way and manner as is now prescribed by law; And such Treasurer and Register of Deeds so appointed and qualified as aforesaid shall thereupon be invested in their respective offices, with all the powers incident thereto, in the same manner as if such Treasurer and Register had been appointed thereto at an annual election, and shall hold their respective offices until persons shall be chosen at the next annual election, and qualified to enter upon the duties thereof.

Sec. 12. And be it further enacted, That this act shall take effect and be in force on and after the first day of August next.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT AUTHORIZING AND EMPOWERING THE MEMBERS IN THE HOUSE OF REPRESENTATIVES FROM THE SEVERAL TOWNS CONSTITUTING THE COUNTY OF MERRIMAC, TO FORM THEMSELVES INTO A CONVENTION FOR CERTAIN PURPOSES—

[Approved July 2, 1823. Original Acts, vol. 28, p. 10; recorded Acts, vol. 22, p. 386. Session Laws, 1823, Chap. 41. Laws, 1824 ed., p. 200. See act immediately preceding.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened—That the members in the house of representatives from the several towns constituting the County of Merrimac be and they hereby are authorized and empowered to form themselves, at any time during the present session of the legislature, into a convention for the purpose of granting and appropriating taxes for the use of said County of Merrimac the ensuing year—; and they may at such convention choose a chairman, appoint and swear a clerk, who shall keep a true record of all matters and things done in such convention—and the taxes which shall be voted by such convention, or a major part thereof attending, shall be held good and valid in law, and may be assessed and collected in the same way and manner as county taxes are assessed and collected in the other counties in this State—and the said convention when formed are hereby invested with all and the same powers as by law appertain to other county conventions—

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE CONNECTICUT RIVER BANK.

[Approved July 2, 1823. Original Acts, vol. 28, p. 11; recorded Acts, vol. 22, p. 387. See acts of June 19, 1844, Session Laws, June, 1844, Chap. 114; July 15, 1855, id., 1855, Chap. 1753, and June 26, 1863, id., 1863, Chap. 2807.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Horace Hall, Robert Rand, Josiah White, William Briggs, Henry Hubbard, Enos Stevens, Frederic A. Sumner, James Gilchrist, Vryling Lovell, Aaron Dean,

Roswell Hunt, William Gordon, George Olcott and their associates and those who may hereafter become associates in said bank, their successors and assigns, shall be and they hereby are created and made a corporation by the name of the President, Directors and Company of the Connecticut River Bank, and shall so continue until the first day of March which will be in the year of our Lord one thousand eight hundred and forty four—and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record or any other place whatever—and also to make, have and use a common seal, and the same again at pleasure to break, alter or renew; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, not repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government and for the prudent management of the affairs of said corporation, subject always to the rules, restrictions limitations, and provisions hereinafter prescribed.

Sec. 2. And be it further enacted, that the capital stock of said corporation shall consist of a sum not less than fifty thousand dollars, nor more than one hundred thousand dollars in specie, and shall be divided into one thousand shares: and the stockholders at their first meeting, by a majority of votes, shall determine the amount of payments to be made on each share, and the time when they shall be made; also the mode of transferring and disposing of the stock and the profits thereof, which being entered on the books of said corporation shall be binding on the stockholders, their successors and assigns. Provided, that no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of said sum of fifty thousand dollars at least: provided also, that no stockholder shall in any case be allowed to borrow more than seventy five per cent on his capital stock so paid in. And said corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of and convey the same; and to loan and negotiate their monies and effects by discounting on banking principles, on such personal security as they shall think advisable.

Sec. 3 And be it further enacted, that the following rules, limitations and provisions shall form and be the fundamental articles of said corporation.

1. That the said corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount, than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said bank; and in case any cashier, director or other officer of said Bank at any time shall knowingly issue, or order, direct or cause to be issued and put in

circulation bills, notes or obligations of said bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said bank as aforesaid, such cashier, director or other officer, shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2. That dividends may be made semiannually among the stockholders of said bank, of interest or profits actually received; but no part of the capital stock of said bank shall be divided among or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said corporation, without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars: provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said bank, to make division of the capital stock among themselves and thereby dissolve said corporation.

3. That in case of a diminution or loss of any portion of the sum composing the capital stock of said bank, by any means whatever, it shall be the duty of the directors, in their next annual return of the condition of said bank, by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made, until such loss or diminution shall have been replaced and supplied by assessments and actual payments of the stockholders or by appropriations therefor of the interest and profit actually received.

4. That said corporation shall not vest, use nor improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their possession by way of security, to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said corporation being a citizen of this State and resident therein shall be eligible for a director: and the directors shall choose one of their own number to act as President. The cashier before he enters on the duties of his office, shall give bond with two or more sureties to the satisfaction of the board of directors, in a sum not less than twenty five thousand dollars, with condition for the faithful performance of the duties of his office.

6. That for the well ordering the affairs of said corporation a meeting of the stockholders shall be holden at such place as they shall direct, on the first Monday of March annually, from and after their first meeting, and at any other time during the continuance

of said corporation at such place as may be appointed by the President and directors for the time being, by public notification being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot seven directors to continue in office the year ensuing their election, and until others are chosen, in their stead and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion, that is to say—for every one share, one vote; for every two shares above one and not exceeding twenty, one vote; for every three shares above twenty, one vote;—provided, that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy, being authorized in writing signed by the person represented, and filed with the cashier.

7. That no director shall be entitled to any emolument for his services; but the stockholders may make the President such compensation as to them shall appear reasonable.

8. That no less than four directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said bank signed by the President and countersigned by the cashier shall be binding on said corporation.

10. That the directors shall appoint a cashier, clerks and such other officers, agents or servants for conducting the business of the bank, with such salaries as to them shall seem just and proper.

11. That the aforesaid bank shall be established and kept in the town of Charlestown in the County of Cheshire.

12. That the Legislature shall at all times have the right by persons duly appointed for that purpose to examine into the state and condition, and all the doings and transactions of said corporation and of their officers relating to the same; for which purpose all the books and papers of the corporation, together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed: and each officer of said corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state condition or transactions of said bank

Sec 4. And be it further enacted, that the said Horace Hall, Robert Rand and William Briggs or any two of them may call a meeting of the members of said corporation, at such time and place as they may see fit, by giving public notice thereof at least two weeks prior to the time of meeting by posting up notifications therefor at some public place in the towns of Charlestown, Walpole, Alstead, Acworth and Claremont, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations as the

said members may deem necessary, and for the choice of the first board of directors and such other officers as they may see fit to choose.

Sec. 5. And be it further enacted, that all penalties incurred for a breach of any of the provisions of this act may be recovered by information on suit in the name of the State: Provided, nevertheless, that this Act shall not take effect until the first Wednesday of June 1824, and shall be considered as void and as of no effect, if the President, Directors and Company of the Claremont bank, which was incorporated at the session of the Legislature in June 1822, shall so far be organized and go into operation, as to pay on or before the second Wednesday of June A.D. 1824 to the Treasurer of this State one half of one per cent on the amount which shall at that time constitute the actual capital stock of said Bank. And provided further, that this act shall also be void, if the corporation, by this act created, shall neglect to be organized and go into operation so far as not actually to pay on or before the first Wednesday of June 1825 one half of one per cent on the amount which shall at that time constitute the actual capital stock of said corporation.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PORTSMOUTH STEAM FACTORY.

[Approved July 2, 1823. Original Acts, vol. 28, p. 12; recorded Acts, vol. 22, p. 393. See acts of December 16, 1844, Session Laws, November, 1844, Chap. 205, and July 9, 1846, id., 1846, Chap. 444.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened that Isaac Waldron, Elisha Whidden, Robert Rice and Elisha Hill Jun^r and their associates and successors be and hereby are created a corporation by the name of the Portsmouth Steam Factory, and for the purpose of manufacturing in Iron and other metal and in Cotton & Wool at their factory, which shall be located in the town of Portsmouth.

Section 2. And be it further enacted, that said corporation may take and hold real estate not exceeding two hundred thousand dollars and personal estate, exclusive of the debts which may at any time be due and owing said corporation, not exceeding three hundred thousand dollars, in value, and may have and exercise all the powers incident to corporations & not herein enumerated.

Section 3. And be it further enacted that said Isaac Waldron

may call the first meeting of said corporation by advertisement in one of the newspapers at Portsmouth seven days prior to the time of holding the same—

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
BOSTON AND CONCORD BOATING COMPANY.

[Approved July 2, 1823. Original Acts, vol. 28, p. 13; recorded Acts, vol. 22, p. 394. See act of June 27, 1817, Laws of New Hampshire, vol. 8, p. 645.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That, William Sullivan, Richard Sullivan, Richard H. Ayer and Theodore French, and their associates and successors be, and they hereby are incorporated and made a body corporate and politic, by the name of the Boston and Concord Boating Company, and by that name may sue and be sued to final judgment and Execution, and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted; That the said William Sullivan and his associates and successors, shall under this act have power and authority to have own and use Boats, landing places and all necessary equipments for the purpose of transporting goods wares and merchandize, and all other articles, from Concord by the Merrimack River to the southwardly line of this State, and from said southwardly line to Concord and all intermediate places.

Sec. 3. And be it further enacted; That the said Corporation be and the same hereby is authorized and empowered to purchase and to hold so much personal estate consisting of Boats, tackle apparel and implements necessary for the transportation aforesaid; And so much real estate as may be necessary for store houses and landing places; provided the whole amount of property real and personal shall not exceed fifty thousand dollars, nor comprehend more than twenty acres of land: And all the corporate property may be divided into such number of shares as said corporation may see fit, not less than one hundred and not more than five hundred.

Sec. 4. And be it further enacted; That, Richard H. Ayer one of the associates named in this Act be and he hereby is authorized and empowered to call the first meeting of the said Corporation, and to appoint the time and place for holding the same, by giving notice thereof at least seven days before the day of meeting by publishing the same in one of the newspapers printed in Concord.

Section 5. And be it further enacted, That this Corporation shall exist and continue so long as there shall be a water communication between Merrimack River and the City of Boston in the State of Massachusetts, by the Middlesex Canal (so called) in that State, and no longer.

Section 6. And be it further enacted, That, the Legislature may at any time hereafter, repeal and make void this Act, any thing herein to the contrary notwithstanding, whenever the public good of the State may require it; Provided however that two thirds of both branches of the Legislature concur therein.

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE JOSEPH SMITH AND HIS ASSOCIATES BY THE NAME OF THE WINNIPISSEOGEE LAKE STEAM BOAT COMPANY.

[Approved July 2, 1823. Original Acts, vol. 28, p. 14; recorded Acts, vol. 22, p. 396. See acts of June 21, 1825, and July 7, 1827, *post.*]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Joseph Smith and his associates and successors be and hereby are created a corporation by the name of the Winnipisseogee Lake Steam boat Company and for the purpose of transporting by means of steamboats over and upon the waters of Lake Winnipisseogee in the State of New Hampshire, passengers, goods, wares, merchandize, lumber, corn, grain, and any other articles or products whatever—

Sec. 2. And be it further enacted, that said company are hereby invested with the sole and exclusive right and privilege of using and employing steam boats or steam vessels on said Lake for the term of twenty years from and after the first day of April in the year of our Lord eighteen hundred and twenty five.

Sec. 3. And be it further enacted, that said company may take and hold any wharves, storehouses or other real estate not exceeding in value twenty thousand dollars and personal estate not exceeding fifty thousand dollars for the use of said company, and may exercise all the powers and rights incident to corporations.

Sec. 4. And be it further enacted, that if said company shall not within one year from and after the first day of May next put into use and operation on said lake for the purpose aforesaid one steam boat or steam vessel, or if said company shall afterwards for the term of four months at any one time during the boating season discontinue or omit to use and employ a steam boat or steam vessel

on said lake for the purpose aforesaid unless said boat or vessel be injured and prevented from running by inevitable accident, or shall for the term of one year at any one time, for any cause, discontinue or omit to use and employ a steam boat or steam vessel for the purpose aforesaid, this act shall be wholly null and void.

Section 5. And be it further enacted, that said Joseph Smith may call the first meeting of said company by giving reasonable notice of the time and place of holding the same.

[CHAPTER 44]

State of)
New Hampshire.)

AN ACT REQUIRING THE OVERSEERS OF THE POOR TO MAKE ANNUAL RETURNS OF THE STATE OF PAUPERISM IN THEIR RESPECTIVE TOWNS TO THE SECRETARY'S OFFICE.

[Approved July 2, 1823. Original Acts, vol. 28, p. 15; recorded Acts, vol. 22, p. 398. Session Laws, 1823, Chap. 46. Laws, 1824 ed., p. 188; id., 1830 ed., p. 299. See also act of June 22, 1832, Session Laws, 1832, Chap. 75.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the overseers of the poor shall annually make out a statement and account of the names and expense of the paupers in their respective towns for the year ending before or within the month of March, which statement and account shall contain, as near as may be, the age of the respective paupers, the sums expended on each, the cause of their being unable to support themselves, as idiocy, distraction age, infirmity of body or mind, idleness, vicious habits, and when intemperance is an accompanying cause it shall always be mentioned; and the said account shall also distinguish the county paupers, and those who are not supposed to have their settlement in the town, from those who are the proper charge thereof, and shall set forth the sums expended in prosecuting and defending suits in relation to the poor, and the mode adopted for the support of the poor. And the statement and account so made out shall be signed by the said overseers and by them be forwarded to the Secretary of State on or before the first Wednesday of June annually.

Sec 2. And be it further enacted, that it shall be the duty of the Secretary to receive such returns and to preserve them on file in his office alphabetically by counties and to report to the Legislature at their June Session the names of the towns where such returns are delinquent.

[CHAPTER 45.]

State of)
New Hampshire.)

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE DOVER AQUEDUCT.

[Approved July 2, 1823. Original Acts, vol. 28, p. 16; recorded Acts, vol. 22, p. 399. See acts of July 2, 1870, Session Laws, 1867-71, p. 470; July 20, 1887, id., 1883-87, p. 550; August 24, 1887, id., p. 600; July 11, 1889, id., 1889-91, p. 154, and July 30, 1889, id., p. 184.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Asa Freeman, Jesse Varney, John Williams and William Hale, and their associates and successors, be and hereby are constituted a body corporate and politic forever by the name of the Proprietors of the Dover Aqueduct, and for the purpose of conveying water by subterraneous pipes into the Village of Dover.

Section 2. And be it further enacted, that besides the powers incident to corporations and not herein enumerated, said corporation shall have power to take and hold real estate to the amount of two thousand dollars, and personal estate to the amount of ten thousand dollars, and no more, and may enforce the payment of all assessments duly made on the shares of the proprietors by advertizing and selling the shares of any delinquent proprietor in the manner to be prescribed by the bylaws of said corporation.—

Section 3. And be it further enacted, that said corporation is hereby authorized to enter upon and break up the ground and dig ditches in any land or enclosures or any streets or highways, through which it may be necessary for said Aqueduct to pass, for the purpose of placing such pipes as may be necessary for building and completing said aqueduct, or of repairing the same when requisite; provided, that in case the said proprietors and the owners of the land through which said aqueduct must pass shall not agree on the compensation to be made for the damage done to said land, the Superior Court of Judicature upon application of said proprietors, or of the owners, may appoint a committee who shall ascertain the same and make report to said Court, and if either of said parties shall be dissatisfied, with the report of said Committee, on application to the Superior Court for that purpose, a trial by Jury for the purpose of assessing said damages shall be had in the same way and manner as other trials are had at said Court, and the said Court are authorized to render judgment on said report or verdict of said jury and issue execution accordingly, and provided also that the said streets or highways shall not be dug up or opened by said proprietors in such manner as to obstruct or hinder the citi-

zens of the State from passing therein with their teams and carriages with convenience.—

Section 4. And be it further enacted that any person who shall maliciously or wantonly injure said aqueduct and be convicted thereof upon indictment before the Superior Court of judicature shall be punished by fine not exceeding three hundred dollars, and shall be liable to pay treble damages to said corporation to be recovered in any proper action.—

Section 5. And be it further enacted that said Asa Freeman, Jesse Varney and John Williams, or any two of them, may call the first meeting of said proprietors by giving such public notice thereof as they may think reasonable.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT PASSED JUNE 20TH A.D. 1811. ENTITLED "AN ACT TO PREVENT THE DESTRUCTION OF SALMON SHAD AND ALEWIVES IN MERRIMAC RIVER, AND THE SEVERAL STREAMS FALLING INTO THE SAME, AND FOR REPEALING CERTAIN LAWS HERETOFORE MADE FOR THAT PURPOSE

[Approved July 2, 1823. Original Acts, vol. 28, p. 17; recorded Acts, vol. 22, p. 401. Session Laws, 1823, Chap. 48. Laws, 1824 ed., p. 125; id., 1830 ed., p. 246. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 45. See also acts of June 23, 1818, id., p. 685; December 16, 1820, id., p. 937, and June 20, 1827, *post*. Repealed by act of June 28, 1831, Session Laws, 1831, Chap. 27.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this Act so much of the Act aforesaid to which this is in addition, as prohibits the erecting, building or constructing any mill dam ware or other obstruction upon or across any of the streams falling into the said river Merrimac, so as to prevent the free passage of said fish in said streams or as requires the keeping open a sufficient passage way for the fish aforesaid, through any mill dam which has been or may hereafter be built across any of the rivers or streams falling into the said river Merrimac from the tenth day of May to the twentieth day of June and from the twentieth day of August to the twentieth day of September annually, so far as the provisions of the Act aforesaid relate to the rivers Nashua and Winnipisiogee be and the same are hereby repealed.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO EMPOWER THE FIRST CONGREGATIONAL PARISH IN THE TOWN OF BARRINGTON TO TAX THE PEWS IN THEIR HOUSE OF PUBLIC WORSHIP FOR THE PURPOSE OF REPAIRING THE SAME.

[Approved July 2, 1823. Original Acts, vol. 28, p. 18; recorded Acts, vol. 22, p. 402. See act of June 25, 1818, Laws of New Hampshire, vol. 8, p. 715.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that for the purpose of repairing from time to time the house of public religious worship belonging to the First Congregational Parish in the town of Barrington, said Parish is hereby authorized and empowered to assess at their annual or other legal meetings equal and necessary taxes upon the pews in said house, and in case said taxes shall remain unpaid for six months after the assessment of the same, any pew or pews upon which the taxes so remain unpaid, may be advertized by the Collector of the Parish and sold at public auction to the highest bidder after posting up notice thereof at the door of said house fifteen days previous to such sale; and after paying the taxes and cost of sale, the residue of the money accruing from the same shall be paid over to the delinquent owner of any pew sold as aforesaid, on demand—

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE RISING SUN LODGE N^o 39—

[Approved July 2, 1823. Original Acts, vol. 28, p. 19; recorded Acts, vol. 22, p. 403.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court, convened, that John Lund, Moody D Lovewell and Israel Hunt Junior and their associates and successors be and they are hereby constituted and made a body corporate and politic forever by the name of Rising Sun Lodge N^o 39 and by that name may sue and be sued plead and be impleaded, prosecute and be prosecuted to final Judgment & execution, and may make, have and use a common seal, and the same may break, alter or renew at pleasure and may hold real & personal estate not

exceeding in amount the sum of three thousand dollars and shall have and possess all the powers & privileges incident to corporations of a similar nature.—

Sec. 2^d Be it further enacted, that John Lund, Moody D. Lovewell and Israel Hunt Junior or any two of them may call the first meeting of said corporation by giving public notice of the same in some newspaper printed in Amherst three weeks at least before the day of holding such meeting—and at said meeting may choose such officers and make and establish such rules & regulations as to them shall seem proper. Provided such rules & regulations shall not be repugnant to the constitution & laws of this State.—

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE AN ASSOCIATION FOR A LIBRARY IN THE TOWN OF BRISTOL IN THE COUNTY OF GRAFTON.

[Approved July 2, 1823. Original Acts, vol. 28, p. 20; recorded Acts, vol. 22, p. 404.]

Section 1st.—Be it enacted by the Senate and House of Representatives in General Court convened, that James Minot, Moses W. Sleeper and their associates be a Corporation by the name of the proprietors of Bristol Library, to be established and kept in said Town of Bristol, with all the powers and privileges necessary and incident to Corporations of a similar nature.

Section 2d.—And be it further enacted, that James Minot and Moses W. Sleeper may call a meeting of said Proprietors by advertisement to be posted up at two public places in said Town, ten days before such Meeting; and the said proprietors may, at the Meeting aforesaid, elect such Officers and make and establish such By-laws and regulations, (not contravening the Laws of this State,) as by them shall be deemed expedient and necessary for the government of said Corporation.

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
 MOUNT MORIAH LODGE N^o 22 IN THE TOWN OF CANAAN—

[Approved July 2, 1823. Original Acts, vol. 28, p. 21; recorded Acts, vol. 22, p. 405.]

Section 1.—Be it enacted by the Senate and House of Representatives in General Court convened, that Abram Pushee, Ebenezer Chase, Stephen Folsom, Timothy Tilton, Samuel Morgan and all persons who may hereafter become members of said Lodge, be and they hereby are incorporated and made a body politic forever by the name of the Mount Moriah Lodge N^o 22 in the Town of Canaan, and the said body corporate is hereby empowered to hold and possess real and personal estate, not exceeding in value the sum of two thousand dollars, and is vested with all the powers, rights and privileges incident to corporations of a similar nature.—

Section 2. And be it further enacted, that the said Abram Pushee may call the first meeting of said Lodge by giving fourteen days notice of said meeting in the New Hampshire Patriot and State Gazette of the time and place of said meeting, and at such meeting or any subsequent meeting, the members of said Lodge may choose a Secretary and elect such officers, and establish such by laws, rules and regulations as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects thereof, provided said by laws, rules and regulations be not repugnant to the Constitution and Laws of this State.

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE NAME OF THE FRANKLIN LITERARY SOCIETY IN NORTHFIELD

[Approved July 2, 1823. Original Acts, vol. 28, p. 22; recorded Acts, vol. 22, p. 406. See act of incorporation dated June 30, 1821, *ante*, p. 56.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Incorporation by the name of the Franklin Literary Society in Northfield may assume the Style and shall hereafter be known by the name of the Franklin Literary Society of Sandbornton Academy

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE UNION LODGE N^o 10 IN THE TOWN OF ORFORD.—

[Approved July 2, 1823. Original Acts, vol. 28, p. 23; recorded Acts, vol. 22, p. 406.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that William Howard, George M. Phelps, Royal Morriss, James Dayton, John Rogers and all persons who may hereafter become members of said Lodge, be and they hereby are incorporated and made a body politic forever by the name of the Union Lodge N^o 10 in the Town of Orford, and the said body corporate is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of two thousand dollars, and is vested with all the powers, rights and privileges incident to corporations of a similar nature.—

Section 2. And be it further enacted, that the said William Howard, may call the first meeting of said Lodge by giving fourteen days notice of said meeting in the New-Hampshire Patriot and State Gazette of the time and place of said meeting, and at said meeting or any subsequent meeting, the members of said Lodge may choose a Secretary, and elect such other officers, and establish such by laws, rules and regulations as may be deemed necessary for the government of said Lodge and the carrying into effect the objects thereof, provided said by laws, rules and regulations be not repugnant to the Constitution and Laws of this State.—

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF "BROOKLINE SOCIAL LIBRARY."

[Approved July 2, 1823. Original Acts, vol. 28, p. 24; recorded Acts, vol. 22, p. 407.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Ensign Bailey, William S. Crosby, Isaac Sawtell, Nathaniel Shattuck, junior, James Parker, junior, James Parker and Joshua Hall, and all such as may hereafter associate with them, be, and they hereby are incorporated into

a body politic, by the name of the "Brookline Social Library," with continuation and succession forever; and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final judgment and execution; and they hereby are vested with all the powers and privileges incident to corporations of a similar nature; and may enjoin penalties of disfranchisement, or fine, not exceeding four dollars for each offence, to be recovered by said Society in an action of debt, to their own use, in any court proper to try the same; and they may make, purchase and receive subscriptions, grants and donations of personal estate, not exceeding one thousand dollars for the purpose and use of said Association.

Sec. 2. And be it further enacted, That said Society be, and they hereby are authorized to assemble at Brookline on the first Wednesday of November next, and forever after on the first Wednesday of November annually, to choose all such officers as may be found necessary for the orderly conducting of the affairs of said Corporation; who shall continue in office until others are chosen in their stead. And the said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices; and for transacting all other business, excepting the raising of money, which shall be done at their annual meetings, and at no other time. And said Corporation shall have power to make such rules and by-laws for the government of said Society, as may from time to time be found necessary: provided the same be not repugnant to the constitution and laws of this State.

Sec. 3. And be it further enacted, That Ensign Bailey, William S. Crosby and Isaac Sawtell, or any two of them, are hereby authorized and empowered to call the first meeting of said proprietors at *such* time and place in said town, by giving personal notice of the time and place of holding said meeting at least seven days before the same, or by posting up at some public place in said town a notification of the time, place and design of said meeting, at least fifteen days before the same: And the said proprietors at said meeting shall have the same power to choose officers and make by-laws, as they have by this act at their annual meeting; and the said Ensign Bailey or William S. Crosby shall preside in said first meeting until a presiding officer shall be chosen; and in case a majority of said proprietors shall not convene on that day, a less number shall have a right to adjourn from time to time until a majority shall assemble.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST COTTON MILL IN MERRIMAC.

[Approved July 2, 1823. Original Acts, vol. 28, p. 25; recorded Acts, vol. 22, p. 409.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Isaac Riddle, William P. Riddle and their associates, their successors and assigns, be and they hereby are incorporated by the name of the First cotton mill in Merrimac and by that name may sue and be sued, prosecute and defend to final judgment and execution and be known and distinguished in their acts and proceedings and in all cases whatever, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, that said corporation is hereby empowered to carry on the manufacture of cotton and other goods and the business necessarily connected therewith at Merrimac in the county of Hillsborough and may erect dams, mills, works and buildings necessary and convenient for carrying on and conducting these useful manufactures.

Section 3. And be it further enacted, that said corporation is hereby authorized to acquire by purchase or otherwise and to hold and enjoy such real and personal estate as may be necessary or useful for the purposes aforesaid; and the same to sell, convey and dispose of at pleasure; provided the estate held by said corporation shall not at any time exceed two hundred and fifty thousand dollars.—

Section 4. And be it further enacted, that the said Isaac Riddle and William P. Riddle or the survivor, may call the first meeting of said corporation by giving ten days personal notice or by advertisement in some newspaper printed in the county of Hillsborough giving at least twenty days notice of the time, place and design of such meeting at which they shall choose a secretary or clerk, who shall be sworn faithfully to discharge the duties of his office and whose duty it shall be to record the proceedings of said corporation and perform such other services as the by-laws may require. And at the same or any subsequent meeting duly holden, the said members may agree on the manner of calling the future meetings; may divide the capital or joint stock into any number of shares not exceeding one hundred, and agree on the manner of transferring them; may order assessments and fix the time in which they shall be paid; elect a Treasurer, agent or agents and such officers

and servants as they may deem necessary, and prescribe their duties; pass by laws for their regulation and government; and do and transact any business in relation to the concerns and for the benefit of said corporation: all elections and all other questions, if required, shall be determined by a majority of votes present or represented at any meeting accounting one vote to each share in all cases and all representations shall be in writing signed by the person represented and filed with the secretary.

Section 5. And be it further enacted, that the shares in said corporation shall be liable and holden for the payment of all assessments legally made thereon; and upon the non-payment of such assessment or any part thereof for the space of thirty days after the same shall have become due and payable the Treasurer may proceed in the manner prescribed in the by laws of said corporation to advertise and sell at public auction such delinquent shares or so many of them as may be necessary to pay the sums due thereon with incidental charges.

[CHAPTER 55.]

State of }
New Hampshire. {

AN ACT TO CHANGE THE NAMES OF SUNDRY PERSONS THEREIN NAMED.

[Approved July 2, 1823. Original Acts, vol. 28, p. 26; recorded Acts, vol. 22, p. 412.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Calvin Farnsworth of Westmoreland, take the name of Calvin Shelly; that William H. Nute of Barnstead, take the name of William H. Newell; that Olive Nute take the name of Olive Newell; that Moses Dennet Nute, take the name of Moses Dennet Newell; that Betsey Nute take the name of Betsey Newell; that Mary Frances Nute take the name of Mary Frances Newell; that Charles Dennet Nute, take the name of Charles Dennet Newell; that Samuel Nute, of Peeling take, the name of Samuel Newell; that Polley Nute take the name of Polley Newell; that Millet Jones Nute take the name of Millet Jones Newell; that Mary Nute take the name of Mary Newell; that Cyrus Leonard Nute take the name of Cyrus Leonard Newell; that Betsey Nute, of Barnstead, take the name of Betsey Newell; that Hannah S. Nute take the name of Hannah S. Newell; that Elijah Graves of Keen take the name of Elijah Gay; that William Smith 3rd. of Gilmanton, take the name of William Batchelder Smith; that John Barrett 3rd, of Hinsdale, take the name of John

H. Barrett; that Millet Ellis of Jaffrey take the name of John M. Ellis, that John Clark 6th of Sanbornton take the name of John Henry Clark.

Sec. 2 And be it further enacted, that from and after the passing of this act, the several persons herein before named, shall be known and called by the names which by this act they are respectively allowed to take, and assume as aforesaid, and that said names shall forever hereafter, be considered as their only proper and legal names, to all intents and purposes.

[CHAPTER 56.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF SIX-MILE-STREAM CANAL.

[Approved July 2, 1823. Original Acts, vol. 28, p. 27; recorded Acts, vol. 22, p. 413. See act of July 4, 1851, Session Laws, 1851, Chap. 1193.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Tucker, Ellis B. Usher, Ford Whitman and Thomas Randall, and those who may hereafter be admitted their Associates, be a corporation forever, by the name of the Proprietors of the Six-Mile-Stream Canal; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal which they may at pleasure alter; and shall enjoy all privileges and powers, and be subject to all the liabilities incident to similar corporations.

Sec. 2. And be it further enacted, That the Proprietors aforesaid be, and hereby are empowered within the term of five years from the passing of this act, to make a Canal from Six-Mile Pond in Eaton in the county of Strafford to Great Ossipee Pond, in the most convenient direction for making said Canal, and for transporting timber therein, and to erect dams and slips at the most suitable places, and remove any obstructions from said stream, and to do all things necessary to facilitate the passage of persons and property down said Six-Mile Stream.

Sec. 3. And be it further enacted, That if any person or persons, whose land shall be taken to make said Canal, or whose land shall be flowed, by said Canal, and the proprietors cannot agree upon the amount of damage thus occasioned, nor upon some suitable person or persons to estimate the same, then and in that case some disinterested committee of three freeholders in said county, shall be appointed by the Superior Court of Judicature, or by two Justices of the Quorum in and for said county; and the determina-

tion of the said Committee or referees, so appointed, shall be the measure of damages: Provided however, that if either party shall be dissatisfied with the report of said referees so appointed and shall at the same term of the Court aforesaid, at which said report shall be made, apply to the said Court for a trial by jury in the manner other causes are determined, the Court aforesaid shall have power to determine by jury as aforesaid; and if the verdict of the jury shall not give to the party applying a greater sum in damages than said referees shall have awarded as aforesaid, then the said Court shall award costs against the applicants; but if the said last decision shall be more favorable to the party applying than the report of said referees, then the said Court shall render judgment accordingly, and issue execution in either case.

Sec. 4. And be it further enacted, That all persons shall have a right, on paying the legal toll therefor, to pass themselves, or to carry any logs, lumber, produce or merchandize over said Canal; and if any person or persons shall wilfully and maliciously in any way destroy or injure said Canal, or any works or part thereof, or divert or obstruct the waters to the damage of said proprietors, he, she or they shall pay treble the value of said damage as said proprietors shall before any Court of competent jurisdiction make to appear that said proprietors have sustained.

Sec. 5. And be it further enacted, That before the said proprietors of said Canal shall be authorized to require or receive any toll for the passage of any persons or property over said Canal, they shall exhibit to the Justices of the Superior Court of Judicature, or any two of them, a just and true account of the cost of said Canal, verified by the oath of at least two of the officers of said Corporation; and upon the exhibition of said account, so verified, it shall be the duty of said Justices to establish and declare an equitable rate of toll for passing through said Canal:— Provided that the toll for such mill logs and timber as will make one thousand feet of boards, and may be placed on said Canal north of the County road that crosses said Six-Mile-Stream, shall not exceed twenty cents for every thousand feet aforesaid; and that the toll for such mill logs and timber as aforesaid which may be placed on said Canal south of said County road shall not exceed twelve and a half cents for every thousand feet as aforesaid. And the said Justices are hereby authorized from time to time on the application of said proprietors, or of any other person, or on proof of the true state of the funds of said Corporation to make such alterations in the rates of toll as on such proof shall appear to said Justices to be equitable; subject however to the restrictions herein before contained.

Sec. 6. And be it further enacted, That said proprietors be and they are hereby authorized and empowered to purchase and hold to them and their successors forever, so much real estate as shall

be necessary for the purposes aforesaid, not exceeding one thousand dollars.

Sec. 7. And be it further enacted, That the stock in said Canal shall be divided into fifty shares, and numbered in progressive order, and that each share in all cases shall be allowed one vote.

Sec. 8. And be it further enacted, That the persons herein before named, or any three of them, may call the first meeting of the members of said Corporation, as soon as may be, by giving public notice thereof, at least two weeks prior to said meeting, by posting up notifications for that purpose in the town of Eaton, at which place said meeting shall be holden; and when met, may choose all necessary officers, and agree upon a method of calling future meetings of said proprietors, and do and transact all other matters and things of said proprietors, not contrary to the laws and constitution of this State.

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF HOLDERNESS UNION LIBRARY SOCIETY.—

[Approved July 3, 1823. Original Acts, vol. 28, p. 28; recorded Acts, vol. 22, p. 416.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Moses Merrill, Samuel Thompson, Joseph Shepard and their associates and successors be and are hereby incorporated into and made a body politic by the name and style of the Holderness Union Library Society with continuance and succession forever; and are hereby vested with all the powers and privileges of corporations of a similar nature and may hold personal property not exceeding two thousand dollars for the use of their association—

Sec. 2. And be it further enacted that Moses Merrill and Samuel Thompson are hereby authorized to call the first meeting of said corporation at such time and place as they may think proper by posting up a notification of the same at some public place in said Holderness at least fifteen days prior to such meeting.—

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AND IN AMENDMENT OF AN ACT PASSED JULY 1, 1819 ENTITLED AN ACT IN AMENDMENT OF AN ACT ENTITLED AN ACT FOR REGULATING TOWNS AND THE CHOICE OF TOWN OFFICERS PASSED FEB. 8. 1791

[Approved July 3, 1823. Original Acts, vol. 28, p. 29; recorded Acts, vol. 22, p. 417. Session Laws, 1823, Chap. 60. Laws, 1824 ed., p. 46. The acts referred to are printed in Laws of New Hampshire, vol. 5, p. 587, and vol. 8, p. 820. Repealed by act of July 3, 1827, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that any religious society now formed or which may hereafter be formed within this State according to the provisions of the act to which this in addition, may and such society is hereby authorized to collect and receive by voluntary contribution or by devise, and hold for the uses of such society a permanent fund, not exceeding the sum of ten thousand dollars, the annual income of which shall be appropriated towards erecting or repairing a place of public worship for such society and for the support of the ministry in such society.

Sec. 2. And be it further enacted, that such society may have a common seal, and may make and establish all necessary rules and by-laws for the proper management and appropriation of their permanent fund or funds, and may from time to time elect such and so many officers as may be necessary for the organization and government of such society, and for conducting the concerns thereof, and may prescribe the proper powers and duties of such officers, and may at pleasure remove any such officers, and elect others in their stead.

[CHAPTER 59.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED, AN ACT REGULATING THE JURISDICTION OF THE COURTS OF LAW, AND ALTERING THE STYLE AND NAME OF THE COURTS OF COMMON PLEAS."

[Approved July 3, 1823. Original Acts, vol. 28, p. 30; recorded Acts, vol. 22, p. 419. Session Laws, 1823, Chap. 61. Laws, 1824 ed., p. 187. See act of December 15, 1820, Laws of New Hampshire, vol. 8, p. 934. See also acts of December 20, 1824, and June 22, 1826, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That where it now is, or

hereafter shall be necessary to commission all the Justices who are to compose a Court of Sessions in any county in this State, there shall be one Chief Justice and two Associate Justices only appointed; and there shall be no appointment of a Justice to fill any vacancy that now is, or hereafter may be by death, resignation or otherwise, in a Court of Sessions in any county, until the number of Justices composing the same shall be reduced to a number less than three, so that in all cases the Courts of Sessions in the several counties shall ultimately consist of one Chief Justice and two Associate Justices, any two of whom shall be a quorum for the transaction of business.

Sec. 2. And be it further enacted, That no one of the Justices of the Courts of Sessions shall be appointed or act as a member of any committee to examine or lay out any road that may hereafter be petitioned for, in the Court of which he is a Justice.

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PORTSMOUTH HANDEL SOCIETY.

[Approved July 3, 1823. Original Acts, vol. 28, p. 31; recorded Acts, vol. 22, p. 420.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Benjamin Brierly, Samuel Larkin, Nathaniel B. March, and William Clagett, with their associates, and such as may hereafter become members of said Society, be and they hereby are made a corporation and body-politic by the name of the Portsmouth Handel Society, and by that name may sue and be sued, defend and be defended, and be known and distinguished in their acts and proceedings, in all cases whatever; and shall be and hereby are vested with such powers and privileges as are usually granted to Societies incorporated for the purpose of improvement in sacred music.

Section 2. And be it further enacted, that the said Benjamin Brierly, Samuel Larkin, Nathaniel B. March, or either two of them, may call the first meeting of said Society at any suitable time and place in Portsmouth by posting up a notification for that purpose in some public place therein, at least fifteen days prior to said Meeting; at which meeting the members of said Society shall choose a Secretary, and such other officers as they may deem necessary; shall agree on the method of calling future meetings, and the time of their annual meeting; and at the same or any subse-

quent meeting may establish rules and by-laws, for their regulation and government, and may order such assessments as they may deem just and reasonable, provided such rules and by-laws are not contrary to the laws of this state.

Section 3. And be it further enacted, that said Society may receive, hold and enjoy by gift, grant or otherwise any estate not exceeding eight thousand dollars, and the same may sell and dispose of at pleasure for the use and benefit of said association.

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT TO PROVIDE FOR THE ANNUAL RETURNS OF THE RECEIPTS
AND EXPENDITURES OF THE SEVERAL COUNTIES IN THIS STATE.—

[Approved July 3, 1823. Original Acts, vol. 28, p. 32; recorded Acts, vol. 22, p. 421. Session Laws, 1823, Chap. 63. Laws, 1824 ed., p. 200. Repealed by act of July 5, 1827, *post.*]

Be it enacted by the Senate and House of Representatives in General Court convened, That the several county treasurers in this State be, and they are hereby directed and required to make out and deliver to the Clerks of the Courts of Sessions in their respective counties on or before the first day of June annually a statement of their accounts as Treasurers as aforesaid for the year ending at the time of the then last annual settlement of said accounts;—in which statements shall be specified the amount of monies paid out of the treasury for that year, and the purposes for which such payments were made; and when payments have been made for the support of County paupers, the sum paid to each town; also, all monies received into the treasury, from whom received, and for what purpose; and that the said Clerks of the courts of Sessions cause the same to be delivered to the Secretary of the State, or left at his office on or before the second Wednesday of June annually.

[CHAPTER 62.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR MENDING AND REPAIRING THE HIGHWAYS IN THIS STATE."

[Approved July 3, 1823. Original Acts, vol. 28, p. 33; recorded Acts, vol. 22, p. 422. Session Laws, 1823, Chap. 64. Laws, 1824 ed., p. 184. See acts of February 27, 1786, Laws of New Hampshire, vol. 5, p. 117; June 20, 1806, id., vol. 7, p. 537, and June 20, 1825, *post*. Repealed by act of July 3, 1829, Session Laws, 1829, Chap. 48.]

Whereas in several of the towns in this State it has been found inconvenient to have the highway tax discharged by labor, as is provided in the act, to which this is a supplement: therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that it shall and may be lawful for any town in this State, at their annual meeting, or at any other legal meeting, at which such town may vote to raise any money for making, mending and repairing the several highways and bridges therein, to vote that the highway tax assessed upon the polls and estates of the inhabitants of such town in conformity to the provisions of the act to which this is a supplement, shall be collected by the collector in the same manner as the State tax is collected; and such highway tax when collected shall be by him paid over to the Selectmen or Treasurer of such town for the purpose of repairing the highways in such town, and shall be expended for that purpose under the direction of the Selectmen or surveyors as such town shall vote: and the collector in the collection of said highway tax in such town shall have the same authority which he has by law for the collection of the State tax.

[CHAPTER 63.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE LAKE MANUFACTURING COMPANY.

[Approved July 3, 1823. Original Acts, vol. 28, p. 34; recorded Acts, vol. 22, p. 423. See act of June 22, 1831, Acts, vol. 28, p. 19.]

Section 1. BE it enacted by the Senate and House of Representatives in General Court convened, That William S. Brooks, Eben Stearns, Simeon Cobb, 2d, their Associates, Successors and Assigns, be, and they hereby are created and made a corporation forever, by the name of the Lake Manufacturing Company; and

by that name may sue and be sued, prosecute and defend to final judgment and execution, and be called and known in all cases whatever; and shall be, and hereby are vested with all the powers and privileges, and made subject to the liabilities of corporations of a similar nature.

Sec. 2. And be it further enacted, That the said Company be, and hereby is authorized and empowered to establish and carry on, at Chesterfield in the county of Cheshire, the manufacture of Cotton Goods, in the various branches of spinning, weaving, bleaching, dying, stamping, printing and all others appertaining to said manufacture, and such other business as may be necessarily or conveniently connected therewith; and for these purposes may erect such dams, mills, and other buildings, and construct and put in operation such machinery, as may be deemed necessary and useful in carrying on and conducting said manufacture.

Sec. 3. And be it further enacted, That said Company is hereby authorized to purchase and hold such real and personal estate as may be necessary and useful in conducting the business aforesaid, and for the convenient management thereof, not exceeding in amount at any time the sum of one hundred and fifty thousand dollars; and the same to sell, alienate and dispose of at pleasure.

Sec. 4. And be it further enacted, That either two of the persons above named may call the first meeting of the members of said Company, by advertisement in any newspaper printed in said County, twenty days at least previous thereto, or by giving ten days' personal notice of the time, place and design of such meeting: At which the said members may agree on the method of calling their future meetings; and at the same or any subsequent meeting duly notified and holden, may choose a Clerk, and all other necessary officers, agents or servants for managing the concerns of said Company, and prescribe their respective duties; may divide their capital or joint stock into any number of shares, not exceeding one hundred and fifty; and agree upon the manner of transferring them; may order assessments and fix the time of their payment; may pass by-laws for their regulation and government, not repugnant to the laws of the State; and do and transact and business necessary for carrying into effect the objects of their Association. All questions shall be determined by a majority of votes present or represented at any meeting, allowing one vote to each share; and absent members may vote by proxy, being authorized in writing signed by the person represented.

Sec. 5. And be it further enacted, That the shares in said Company shall be liable and holden for the payment of all assessments duly made thereon; and upon non-payment thereof for the space of thirty days after the same shall have become due and payable, the said delinquent share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments with

incidental charges under such regulations as said Company may in its by-laws have prescribed.

Sec. 6. And be it further enacted, That so much of the capital stock of said Company as shall be employed in the business of bleaching and printing calicoes and chintzes, not exceeding twenty thousand dollars, shall be, and hereby is exempted from taxation for the term of five years from the passing hereof.

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AND IN AMENDMENT OF AN ACT ENTITLED "AN ACT FOR LAYING OUT HIGHWAYS PASSED FEB. 8, 1791

[Approved July 3, 1823. Original Acts, vol. 28, p. 35; recorded Acts, vol. 22, p. 426. Session Laws, 1823, Chap. 66, Laws, 1824 ed., p. 185. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 577. See also act of December 11, 1804, id., vol. 7, p. 335. Repealed by acts of January 3, 1829, *post*, and July 3, 1829, Session Laws, 1829, Chap. 52.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that in case the Selectmen of any town refuse or neglect when petitioned to lay out any highway, or in case the town shall discontinue any highway laid out by order of the Selectmen, within two years from the time of laying out the same, the Court of sessions on petition exhibited to them may if they think it proper and expedient, cause such highway to be laid out. Provided always, that the Selectmen of the town shall in all such cases be duly notified before any such highway be laid out.

[CHAPTER 65.]

State of }
New Hampshire. }

AN ACT FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE.

[Approved July 3, 1823. Original Acts, vol. 28, p. 36; recorded Acts, vol. 22, p. 427. Session Laws, 1823, Chap. 68.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be raised for the use of this state the sum of thirty thousand dollars, which sum shall be assessed, collected and paid into the Treasury on or before the first day of January in the year of our Lord one thousand eight

hundred and twenty five. And the Treasurer be and hereby is directed seasonably to issue his warrants to the Selectmen or Assessors of the several Towns, Parishes and Districts within this State according to the last proportion Act.—And the Selectmen and Assessors of the several Towns, Parishes Districts aforesaid are hereby respectively to assess the sums specified in the Treasurer's warrants and cause the "same to be paid into the Treasury of this State on or before the first day of January in the Year of our Lord one thousand eight hundred and twenty five. And the Treasurer may issue extents for all taxes that may then remain unpaid.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1823, June 21.

Resolved, that the Treasurer of this State be authorized to sell and convey by deed of quitclaim duly executed to Samuel Rollins Jr. a certain tract of land in the town of Adams in the County of Coos containing one hundred acres; it being the same land that was granted to one Anthony Vincent in 1806, but the terms not being complied with, said land is still the property of the State.—

Provided, that the said Samuel Rollins Jr. pay or cause to be paid to the Treasurer of this State the sum of one hundred and thirteen dollars with interest thereon, within two years from the passing of this Resolve.—

[House Journal, 1823, p. 165. Senate Journal, 1823, p. 130. Original Acts, vol. 28, p. 37.]

1823, June 26.

Whereas by an act of the General Court of this State, passed the seventeenth day of June, one thousand eight hundred and six, there were granted to the town of Bartlett in said State six hundred acres of land, situate in the town of Adams, the property of the State, one half for the support of schools, and the other half for the support of the gospel in said town of Bartlett; and the said town of Bartlett was by said act authorized to lay out and survey said quantity of land in said Adams; but no provision is made for returning and recording a survey and plan of said lands in the office of the Secretary of the State, or in any other place. Therefore,

Resolved that the said town of Bartlett be, and hereby is authorized to return to the office of the Secretary of the State, a survey and plan of the lands laid out by said Town in pursuance of the act aforesaid, and that the Secretary be authorized to receive and deposit the said survey and plan in his office, and at the expense of said Town, to record the same.

[House Journal, 1823, p. 321. Senate Journal, 1823, p. 196. Original Acts, vol. 28, p. 38.]

1823, June 30.

Resolved by the Senate, and House of Representatives in General Court convened That the Treasurer of this State, be authorized and required to purchase and receive from any person who may publish the second volume of the decisions of the Superior Court of Judicature, two hundred and fifty copies of the same, at a price not exceeding seventy five cents, for every one hundred pages;—provided the same be printed, under the control and direction of the Justices of said Court with a small pica type, on fine royal paper, of a quality as good as that, upon which the statute laws of this State were published in 1815 with a page corresponding with the first volume of said Reports, and be neatly and strongly done up in boards.

And be it further resolved that His Excellency the Governor, be authorized to draw upon the Treasury, for payment of the same, on receiving from the Treasurer, a Certificate, that said volumes are deposited in his Office, and of the amount due for the same.

And be it further resolved that the Treasurer of this State, be directed to deliver one Copy of said Reports, to each Town in this State, on application for the same, receiving a receipt of the Town Clerk therefor.

[House Journal, 1823, p. 439. Senate Journal, 1823, p. 193. Original Acts, vol. 28, p. 38.]

1823, July 2.

Whereas the town of Kilkenny in the County of Coos is not included within any class or district for the purpose of voting for a Representative to the State Legislature, therefore,

Resolved by the Senate and House of Representatives in General Court convened, that said town of Kilkenny shall be and hereby is annexed to the class or district now composed of Jefferson, Durand, Shelburne, Shelburne Addition, Breton Woods, and Nash and Sawyer's location, for the purpose of voting for a Representative to the General Court, until otherwise ordered.

[House Journal, 1823, p. 475. Senate Journal, 1823, p. 282. Original Acts, vol. 28, p. 39.]

1823, July 2.

Resolved by the Senate and House of Representatives in General Court convened, that a committee of three persons be appointed to revise all the laws of this State relative to the assessment and collection of taxes to report by bill to the next session of the Legislature; and that his Excellency the Governor be requested, with advice of Council, to appoint three suitable persons for that purpose.

[House Journal, 1823, p. 499. Senate Journal, 1823, p. 274. Original Acts, vol. 28, p. 39.]

1823, July 2.

Resolved by the Senate and House of Representatives in General Court convened, that the Secretary of State be instructed to arrange, or procure to be arranged according to their dates and bound in one volume the Journals of the Committee of Safety for the State of New Hampshire from the year 1775 to 1783 inclusive; and that he be authorized to loan the same to any member or members of the Historical Society, to make such extracts therefrom as may be useful to illustrate the Revolutionary History of this State or of the United States.

[House Journal, 1823, p. 447. Senate Journal, 1823, p. 271. Original Acts, vol. 28, p. 40.]

1823, July 2.

Resolved, that William Plumer Jr. be appointed an Agent on the part of this State to adjust during the next session of Congress, the claims of this State against the United States; for which service he shall be paid out of the Treasury of this State, a reasonable compensation.

Resolved, that His Excellency the Governor be authorized, and requested to cause to be procured and furnished to the agent appointed to adjust the claims of this State against the United States for militia services during the late war, such vouchers in support of said claims and give to said agent such instructions relative to the same, from time to time, as he may deem necessary and expedient.

[House Journal, 1823, p. 235. Senate Journal, 1823, p. 251. Original Acts, vol. 28, p. 40.]

1823, July 3.

Resolved by the Senate and House of Representatives in General Court convened that the Selectmen of the Several towns in the County of Hillsborough be required to insert in their warrants for the next annual town meeting in March next, an Article to take the sense of the legal voters in said towns whether the Shire town for said County ought to be established at Amherst or at Mont Vernon. And that the town Clerks of said towns respectively be required to return to the Secretary's Office on or before the first Monday of the next session of the General Court certificates of the number of votes given in said towns in favor of establishing the shire town for said County at either of the places aforesaid.

[House Journal, 1823, p. 553. Senate Journal, 1823, p. 296. Original Acts, vol. 28, p. 41.]

1823, July 3.

1. Resolved by the Senate and House of Representatives in General Court convened, that the Clerk of the Senate and the Clerk of the House of Representatives be directed to leave with the Secretary of State, as

soon as may be, after the adjournment fair and attested copies of the journals of their respective Houses.

2. And be it further resolved, that the Secretary be directed to procure five hundred printed copies of the journals of the two Houses, and five hundred printed copies of all the public acts and resolves passed at the present session of the Legislature with a list of private acts; and he is directed to cause the said laws to be printed on paper of the same quality and to correspond in type and size with the laws of this State printed in 1815, and the said journals on paper and in a type corresponding with the Journals of the last session: And the Secretary of State is hereby directed to distribute the journals and laws in the same way and manner, that the journals and laws of the last session were distributed.

3. And be it further resolved, that the Secretary be directed to give public notice in one or more of the newspapers printed in this State and receive proposals for printing the journals and laws and he is hereby authorized and directed to contract with the person or persons who shall offer to print the same on the lowest terms and in the best manner on, he or they giving sufficient security for his or their faithful performance of the contract. Provided, the compensation to be given for publishing the laws and journals shall not exceed that given for publishing the laws and journals of June Session 1822—

4. And be it further resolved, that the Secretary of State cause the public laws and resolves passed at this Session to be published as soon as may be in the several newspapers printed in this State.

[House Journal, 1823, p. 512. Senate Journal, 1823, p. 285. Original Acts, vol. 28, p. 42.]

[THIRTY-THIRD GENERAL COURT.]

[*Held at Concord, Two Sessions, June 2, 1824, to June 16, 1824,
and November 17, 1824, to December 22, 1824.*]

[OFFICERS OF THE GOVERNMENT.]

DAVID L. MORRIL, GOVERNOR.
 SAMUEL SPARHAWK, SECRETARY.
 RICHARD BARTLETT, DEPUTY SECRETARY.
 WILLIAM PICKERING, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 JOSIAH BARTLETT, PRESIDENT OF THE SENATE.
 *ANDREW PEIRCE, }
 EDMUND PARKER, } SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Hunking Penballow,	Portsmouth.
Daniel C. Atkinson,	Sanbornton.
Jonathan Harvey,	Sutton.
Thomas C. Drew,	Walpole.
Ezra Bartlett,	Haverhill.

[MEMBERS OF THE SENATE.]

Josiah Bartlett,	Stratham.
John Kimball,	Exeter.
John Pattee,	Goffstown.
Ezekiel Morrill,	Canterbury.
Nehemiah Eastman,	Farmington.
Benning M. Bean,	Moultonborough.
John Wallace, Jr.,	Milford.
Joseph Healey,	Washington.
Salma Hale,	Keene.
Gawen Gilmore,	Acworth.
Moses H. Bradley.	Bristol.
Stephen P. Webster,	Haverhill.

*Andrew Peirce asked for leave of absence at the close of the November session and Edmund Parker was elected Speaker *pro tem.*

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Atkinson and }	Henry Tucker.
Plaistow, }	Simon Fellows.
Brentwood,	John Lane.
Candia,	Samuel Aiken, Jr.
Chester,	William Graham.
Deerfield,	Daniel Haynes.
Epping,	John S. Jenness.
Exeter,	John Dow.
	Oliver W. B. Peabody.
	William Smith, Jr.
Greenland,	Joseph Weeks.
Hampstead,	Jesse Gordon.
Hampton,	Edmund Toppam.
Hampton Falls,	Thomas Leavitt.
Kensington,	Newell Healey.
Kingston,	William Webster.
Londonderry,	Robert Mack.
	James Thom.
Newcastle,	George Bell.
Newington,	Cyrus Frink.
Newmarket,	Arthur Branscomb.
Newton,	Israel Gale.
North Hampton,	Joshua Pickering.
Northwood,	Joel B. Virgin.
Nottingham,	Bradbury Bartlett.
Pelham,	James Hobbs.
Poplin,	Joseph Godfrey.
Portsmouth,	Daniel P. Drown.
	Estwick Evans.
	Nathaniel A. Haven, Jr.
	Jeremiah Mason.
	John N. Sherburne.
	Joseph Fogg.
	Amos Seavey.
	John Clindenin.
Raymond,	Moses M. George.
Rye,	John Locke.
Salem,	Abel Brown.
Sandown and }	Daniel Veazey.
Hawke, }	Jonathan Parker.
Seabrook,	
South Hampton and }	
East Kingston, }	
Stratham,	
Windham,	

STRAFFORD COUNTY.

Barnstead,	John Peavey.
Barrington,	William Walker, Jr.
Brookfield and } Middleton, }	Samuel Hale.
Center Harbor,	David Davis.
Chatham,	Hugh Kelsea.
Conway,	Luther M. Richardson.
Dover,	Thomas Abbott.
	James Bartlett.
	Nathaniel W. Ela.
	Andrew Peirce.
Durham,	John Mooney.
Eaton,	John March.
Effingham,	James Lord.
Farmington,	Joseph Hammons.
Gilford,	Barnard Morrill.
Gilmanton,	Benjamin Emerson.
	Charles Parker.
	Jeremiah Wilson.
Madbury,	Elijah Austin.
Meredith,	Stephen Gale.
	Jonathan Pearson.
Milton,	Levi Jones.
New Durham,	Thomas Tash, Jr.
New Hampton,	Thomas Perkins.
Ossipee,	Jacob Leighton.
Rochester,	John Greenfield.
	Jeremiah H. Woodman.
Sanbornton,	James Clark.
	Noah Eastman.
Sandwich,	Neal McGaffey.
Somersworth,	Joseph Doe.
Strafford,	Tobias Roberts.
	Azariah Waldron.
Tamworth,	Ford Whitman.
Tuftonborough,	John Piper, Jr.
Wakefield,	Richard Russell.
Wolfeborough,	John C. Young.

MERRIMACK COUNTY.

Allenstown,	Andrew O. Evans.
Andover,	Samuel Brown.
Boscawen,	Hezekiah Fellows.
	Ezekiel Webster.

Bow,
Bradford,
Canterbury,
Chichester,
Concord,

Dunbarton,
Epsom,
Fishersfield,
Henniker,
Hooksett,
Hopkinton,

Loudon,
New London,
Northfield,
Pembroke,
Pittsfield,
Salisbury,
Sutton,
Warner,

Wilmot,

Samuel Clement.
Samuel Jones.
Leavitt Clough, Jr.
David M. Carpenter.
Richard Bradley.
Samuel Fletcher.
John Gould.
William Ham, Jr.
Jonathan P. Dodge.
Robert M. Wallace.
Samuel Head.
Charles Chase.
Nathaniel Knowlton.
Samuel French.
Josiah Brown.
Jeremiah Smith.
Boswell Stevens.
Ebenezer Knowlton.
Jabez Smith.
Benjamin Wadleigh.
Henry B. Chase.
Abner B. Kelly.
Samuel Kimball.

HILLSBOROUGH COUNTY.

Amherst,
Antrim,
Bedford,
Brookline,
Deering,
Dunstable,
Francestown,
Goffstown,
Greenfield,
Hancock,
Hillsborough,
Hollis,
Litchfield,
Lyndeborough,
Manchester,
Mason,
Merrimack,
Milford,
Mont Vernon,

Edmund Parker.
Amos Parmenter.
William Moore.
George Daniels.
William McKeen.
Jesse Bowers.
Titus Brown.
Robert Hall.
William Whittemore.
Joseph Symonds.
Andrew Sargent.
Benjamin McFarley.
Joseph Chase.
Nehemiah Boutwell.
Frederick G. Stark.
Josiah Russell.
Aaron Gage, Jr.
William Crosby.
John Bruce.

New Boston,
 New Ipswich,
 Nottingham West,
 Peterborough,
 Sharon,
 Society Land,
 Temple,
 Weare,
 Wilton,

Benjamin Fairfield.
 Stephen Wheeler.
 Caleb S. Ford.
 Jonathan Smith.
 Jonathan Farnsworth.
 John Dodge.
 Archelaus Cummings.
 Josiah Danforth.
 James Wallace.
 Samuel Abbot.

CHESHIRE COUNTY.

Acworth,
 Alstead,
 Charlestown,
 Chesterfield,
 Claremont,
 Cornish,
 Croydon,
 Dublin,
 Fitzwilliam,
 Gilsum and }
 Surry, }
 Goshen,
 Grantham,
 Hinsdale,
 Jaffrey,
 Keene,
 Langdon,
 Lempster,
 Marlborough,
 Marlow,
 Nelson,
 Newport,
 Plainfield,
 Richmond,
 Rindge,
 Roxbury,
 Springfield,
 Stoddard,
 Sullivan,
 Swanzey,
 Troy,
 Unity,

James M. Warner.
 James H. Bingham.
 Henry Hubbard.
 Ebenezer Stearns.
 Ambrose Cossit.
 Rufus Handerson.
 Ebenezer Jackson, Jr.
 Amasa Hall.
 Joseph Appleton.
 Levi Chamberlain.
 Sylvester Smith.
 Reuben Willey.
 Uzziel Hayward.
 Obed Slate.
 Oliver Prescott.
 Joel Parker.
 Needham Angier.
 William Carey.
 Joseph Frost.
 William Lewis.
 Nathan Taft.
 William Cheney.
 Robert Kimball.
 Joseph Newell.
 Ezra Thomas.
 Samuel Griffin.
 John Quimby.
 Francis Matson.
 Josiah Seaward.
 Elijah Belding.
 Daniel Cutting.
 Samuel Tetherly.

Walpole,
 Washington,
 Wendell,
 Westmoreland,
 Winchester,

Josiah Bellows.
 David Farnsworth.
 Thomas Pike.
 Jotham Lord.
 Elijah Alexander.

GRAFTON COUNTY.

Alexandria,
 Bath,
 Bethlehem, }
 Franconia and }
 Lincoln, }
 Bridgewater,
 Bristol,
 Campton,
 Canaan,
 Concord (Lisbon),
 Danbury and }
 Orange, }
 Dorchester and }
 Dame's Gore, }
 Enfield,
 Grafton,
 Groton and }
 Hebron, }
 Hanover,

Haverhill,
 Holderness,
 Landaff,
 Lebanon,
 Littleton,
 Lyme,
 New Chester,
 Orford,
 Peeling,
 Piermont,
 Plymouth,
 Rumney,
 Thornton,
 Warren,
 Wentworth,

William Crawford, Jr.
 John Clement.

William Quimby.

Joseph Prescott.
 Joseph Flanders.
 Moses Baker.
 Daniel Blaisdell.
 Jonathan Bolles.

Amos Taylor.

Caleb Blodget.

Joseph Merrill.
 Daniel Bartlett.

William Caldwell.

John Durkee.
 Mills Olcott.

John L. Corliss.
 Walter Blair.

Joseph Atwood.
 Samuel Selden.

Nathaniel Rix, Jr.
 Nathaniel Lambert.

John Searl.

John Rogers.

Thomas Vincent, Jr.
 Edmund Stevens.

Moore Russell.

Josiah Evans.

Enoch Colby, Jr.

Enos Wells.

Caleb Keith.

COOS COUNTY.

Adams and	}	
Bartlett,	}	Stephen Meserve.
Columbia,	}	
Colebrook and	}	Ephraim H. Mahurin.
Stewartstown,	}	
Dalton and	}	John M. Gove.
Whitefield,	}	
Jefferson,	}	
Durand,	}	
Kilkenny,	}	John Bowman.
Shelburne,	}	
Shelburne Addition,	}	
Bretton Woods and	}	
Nash and Sawyer's	}	
Location,	}	

[*First Session, held at Concord, June 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 1824.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE CHESTER JUVENILE LIBRARY

[Approved June 12, 1824. Original Acts, vol. 28, p. 43; recorded Acts, vol. 22, p. 429.]

Sec^t. 1st. Be it enacted by the Senate and House of Representatives in General Court convened, that Nathan Plumer Junior, Benjamin Chase, and Amos Chase, and their associates, proprietors of said Library, and all such as may hereafter, become proprietors of the same, be and they are hereby incorporated into a body politic, by the name of "The Proprietors of the Chester Juvenile Library" with continuation and succession forever, and in that name may sue and be sued, in all actions personal and may prosecute and defend the same to final Judgment and execution and they are hereby vested with all the powers and privileges incident to corporations of a similar nature and may enjoin penalties, of disfranchisement or fine not exceeding four dollars, for each offence to be recovered by said Society in an action of debt to their use in any court proper to try the same, and they may make, purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars for the purpose and use of said association

Section 2nd. And be it further enacted that said society be and they are hereby authorised to assemble at Chester aforesaid on the first teusday of September next and forever after on the first teusday of September annually, to choose all such officers as may be found necessary for the orderly conducting of the affairs of said Corporation, who shall continue in office until others are chosen in their stead, and that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices and for transacting all other business, excepting raising of money which shall at all times be done at their annual meeting and at no other time and at which time they shall vote all necessary sums for defraying the annual expence of preserving said Library and for increasing the same

And said Corporation shall have power to make such rules and bye laws for the government of said society as may from time to time be found necessary, provided the same be not repugnant to the constitution and Laws of this State.

Sec^t. 3rd. And be it further enacted, that Nathan Plumer Junior, Benjamin Chase and Amos Chase or a majority of them are hereby authorized and empowered to call the first meeting of said proprietors at such time and place in said Town as they may appoint by giving personal notice of the time and place of holding said meeting at least fifteen days prior to the holding said meeting or by posting a Notification at the West Meeting house in said Town expressing the design of said meeting at least fifteen days before the time of holding said meeting and the said proprietors at said meeting shall have the same power to choose officers and make bye laws as they have by this act, at their annual Meeting and in case a majority of said proprietors shall not convene on that day a less number shall have a right to adjourn from time to time, until a majority shall assemble.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO "AN ACT FOR FORMING, ARRANGING, AND REGULATING THE MILITIA" PASSED DECEMBER 22ND 1820.

[Approved June 12, 1824. Original Acts, vol. 28, p. 44; recorded Acts, vol. 22, p. 432. Session Laws, 1824, Chap. 2. Laws, 1830 ed., p. 380. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 955. See also acts of June 27, 1821, and July 2, 1822, *ante*, pp. 23, 135. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that all officers, who held commissions in the Militia of this State, prior to, and on, the said 22nd day of December 1820, and who have held Commissions for the term of four years, and have been regularly discharged; and all officers, who held commissions as aforesaid, and who may hereafter be regularly discharged after holding their Commissions, until the expiration of four years from the time they were first commissioned be, and they hereby are absolutely exempted from Military duty.

[CHAPTER 3.]

State of)
New Hampshire.)

AN ACT TO INCORPORATE THE GRAFTON MINING COMPANY

[Approved June 12, 1824. Original Acts, vol. 28, p. 45; recorded Acts, vol. 22, p. 433. See act of June 19, 1828, *post.*]

Secⁿ. 1st. Be it enacted by the Senate and House of Representatives in General Court convened that Luke Brooks, John Whitney, Nathaniel I. Wyeth, Ralph Smith, their Associates and successors, be and they hereby are incorporated and made a body politic by the name and style of the Grafton Mining Company, and by that name may sue and be sued, prosecute, and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings, and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature

Secⁿ. 2nd. And be it further enacted, That the capital or joint stock of said company, may consist, of a sum not exceeding two hundred thousand dollars, of which a sum not exceeding one hundred thousand dollars may be vested in real estate, which said Company is hereby authorized to purchase and hold in fee simple, and the same may sell and convey at pleasure, and the residue of said capital stock may be employed and used in such manner as said Company may think proper in searching and digging for copper and other ores, fossils and mineral substances on lands which may be owned by said Corporation in the Town of Franconia or elsewhere in this State; in analyzing and smelting them; in converting them into useful manufactures, and in constructing and erecting suitable buildings, furnaces, and machinery for facilitating the various operations necessary to effect the purposes, contemplated by this association

Section 3rd. And be it further enacted, That the said Luke Brooks, John Whitney, Ralph Smith or any two of them may call the first meeting of the members of said Company to be holden at any suitable time and place by advertisement in at least one newspaper printed in Boston in the commonwealth of Massachusetts, and one newspaper printed in Concord in the County of Merrimac, in this State, twenty days at least prior thereto, or by giving at least ten days personal notice of the time, place and design of said meeting. At which meeting a Clerk shall be chosen and sworn faithfully to discharge the duties of his Office, and it shall be his duty to record this act and all the proceedings of said Company and to give certified copies thereof, And at the same or at any subsequent meeting duly notified and holden, the said Company

may agree on the method of calling future meetings, may choose all necessary Officers and agents for conducting the concerns of said corporation, may divide their capital or joint stock into such number of shares as may be deemed proper and agree upon the manner of transferring them; may order assessments and fix the time of their payment, may pass bye laws for the regulation and government of said Corporation, not repugnant to the laws of the State and may do and transact any business necessary for carrying into effect the objects of this Association. All questions shall be determined by a majority of votes, accounting and allowing one vote to each share, provided that no member of said Company shall be entitled to a number of votes greater than one tenth part of the whole number of shares; and absent members may vote by proxy, being authorized in writing signed by the person represented

Section 4th. And be it further enacted, That the share or shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon and upon the non payment thereof within the time fixed for their payment, the said share or shares may be sold at public vendue, or so many of them as may be necessary to pay such assessments with incidental charges, under such regulations as said Company may in their byelaws prescribe—

[CHAPTER 4.]

State of)
New Hampshire. }

AN ACT RELATING TO THE NEW HAMPSHIRE, TURNPIKE ROAD—

[Approved June 14, 1824. Original Acts, vol. 28, p. 46; recorded Acts, vol. 22, p. 436. Session Laws, 1824, Chap. 4. See acts of June 14, 1796, Laws of New Hampshire, vol. 6, p. 323; December 7, 1796, id., p. 350; June 14, 1800, id., p. 641, and December 19, 1803, id., vol. 7, p. 185.]

Whereas the proprietors of the New Hampshire turnpike road have signified their assent, to relinquish and surrender said road for a valuable consideration for the purpose of establishing the same as a public highway free of toll, which would be beneficial to the public;

Section 1st Be it enacted by the Senate and House of Representatives in general Court convened, that the proprietors of the New Hampshire turnpike road be and they hereby are authorised and empowered to relinquish and surrender said road to the State for the purpose of establishing the same as a common highway which they may do by a vote of the proprietors at a meeting to be called by the directors of said road for that purpose which meeting may be called by ten days previous notice in the New Hampshire Gazette, and Portsmouth Journal: And upon an Attested copy of

the vote so passed being filed in the Secretarys office and published in said Newspapers, the tolls now taken by said proprietors on said road shall be discontinued and cease and said road shall thenceforth be held and deemed to be a common public highway in the same way and manner, and subject to the same rules, regulations and liabilities as though said road had been duly laid out by the Selectmen of the several and respective towns through which the same passes: Provided however that before said road shall be opened and established as a common highway as aforesaid there shall be paid and satisfied to all the proprietors of said road respectively or deposited for their use in some Bank in Portsmouth such sum or sums as they or the major part of them shall have agreed to accept for their respective shares.

Secⁿ 2nd And be it further enacted that said proprietors be and they hereby are authorized to agree with any Town or Towns, through which said road passes to sell and convey or relinquish any part of said road situate within such Town or Towns respectively for the purpose aforesaid and thereupon the part of said road so conveyed or relinquished by said proprietors and accepted by the Selectmen of such Town through which the same passes shall be deemed a common public highway in manner aforesaid, and the tolls for such part shall be discontinued and cease and said proprietors shall be no further liable to maintain or repair the same

Secⁿ 3rd And be it further enacted. that any Town or Towns may by tax, loan or otherwise raise such sums as they judge proper for the purposes aforesaid.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT TO AUTHORISE, THOMAS SHEAFE TO CALL A MEETING OF THE PROPRIETORS OF PISCATAQUA BRIDGE

[Approved June 14, 1824. Original Acts, vol. 28, p. 47; recorded Acts, vol. 22, p. 438. See acts of June 20, 1793, Laws of New Hampshire, vol. 6, p. 114; June 13, 1796, id., p. 320; December 27, 1798, id., p. 544; December 4, 1800, id., p. 653, and December 24, 1803, id., vol. 7, p. 202.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Thomas Sheafe of Portsmouth in the County of Rockingham, be and he hereby is, authorized to call a meeting of the proprietors of piscataqua Bridge at such time and place as he may deem proper and at such meeting, the said proprietors may choose a Clerk, Treasurer, or other, officers that may be necessary:—may enact by-laws—and transact any business that might lawfully be done at their annual Meeting. provided that the

said Thomas Sheafe give notice of the time and place of holding such meeting, by advertising the same in the New Hampshire Gazette and Portsmouth Journal, three times each, previous to said meeting

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE NEW IPSWICH, COTTON MILL,

[Approved June 14, 1824. Original Acts, vol. 28, p. 48; recorded Acts, vol. 22, p. 439. See also act of June 24, 1839, Session Laws, 1839, Private Acts, Chap. 7.]

Section 1st Be it enacted, by the Senate and House of Representatives in General Court convened, that Samuel Batchelder, Eleaser Brown, their associates and successors, be and they hereby are incorporated and made a body politic, by the name and style of the New Ipswich Cotton Mill; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their Acts and proceedings and they are hereby vested with all the powers and privileges incident to corporations of a similar nature

Secⁿ 2nd And be it further enacted, That said corporation be, and hereby is authorised to carry on the manufacture of Cotton goods, and such other branches of business as shall necessarily and conveniently connected therewith, at New Ipswich in the County of Hillsborough; and may erect such mills, mill dams, buildings and Machinery as may be necessary and useful in conducting and carrying on said manufacture

Secⁿ 3rd And be it further enacted, that said Corporation may purchase and hold real, and personal estate to the amount of one hundred thousand dollars, and the same may sell, alienate and dispose of at pleasure.

Sec^t 4th And be it further enacted, that the persons above named may call the first meeting of said Corporation by advertisement in any newspaper printed at Amherst in said County of Hillsborough twenty days at least previous thereto, or by giving at least ten days personal notice of the time, place and design of said meeting: At which meeting the members of said Corporation may agree on the method of calling their future meetings; and at the same or at any subsequent meeting duly notified and holden, they may choose a Clerk, who shall be sworn to the faithful discharge of the duties of his Office, and such other officers and agents as they

may think useful in conducting the concerns of said Corporation; may divide their capital or joint stock into such number of shares as they may think proper and agree on the mode of transferring them; may order assessments and fix the time of their payment may pass such by-laws, not repugnant to the laws of the State, as they may think proper for their regulation and government, and do and transact any business necessary for carrying into effect the objects of this association. All questions shall be determined by a majority of votes, allowing one vote to each share, except, in passing, altering or repealing the by-laws of the Corporation, and in ordering assessments, in which cases, three fourths of the votes present or represented shall be required. The members of said Corporation may vote at any meeting thereof by proxy duly authorised in writing signed by the person represented and filed with the clerk.

Sect 5th And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the nonpayment thereof, at the time fixed for the payment of any assessment, the delinquent shares may be sold at public vendue, or so many of them as may be necessary to pay the sum due with, incidental charges, under such regulations as in the by-laws of said Corporation are prescribed

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE NAME OF CONCORD IN THE COUNTY OF GRAFTON TO THE NAME OF LISBON.

[Approved June 14, 1824. Original Acts, vol. 28, p. 49; recorded Acts, vol. 22, p. 441. Session Laws, 1824, Chap. 7.]

Be it enacted by the Senate and House of Representatives in General Court convened That the name of the Town of Concord in the County of Grafton be altered and changed, and that said Town be hereafter called and known by the name of Lisbon, any law or usage to the contrary notwithstanding

[CHAPTER 8.]

State of)
New Hampshire.)

AN ACT DIRECTING THE MODE OF CHOOSING AND APPOINTING
 ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED
 STATES

[Approved June 14, 1824. Original Acts, vol. 28, p. 50; recorded Acts, vol. 22, p. 442. Session Laws, 1824, Chap. 9. Repealed by act of June 19, 1828, *post.*]

Section 1st Be it enacted by the Senate and House of Representatives in general Court, convened, That the Inhabitants of the several towns, plantations, and places in this State, qualified to vote for Senators in the State Legislature, shall assemble in their respective, towns plantations and places on the first Monday of November next, and on the first Monday in the month of November in every fourth year thereafter, to vote for a number of persons equal, to the whole number of the Senators and Representatives, at the respective periods aforesaid, from this State in the Congress of the United States, to be electors of President and vice President of the United States; and his Excellency the Governor for the time being shall seasonably issue precepts, to the several towns, plantations and places, within this State, directing them to notify and hold meetings as aforesaid; and the Selectmen shall give fifteen days notice of the time, place and purpose of such meeting: and the Moderator of such meeting, with the Selectmen, whose duty it shall be to attend, shall receive from all the inhabitants of such towns, plantations and places respectively, present and qualified as, aforesaid, votes for Electors of President, and Vice President, each voter giving in on one ballot the names of all the persons he votes for) and shall in open town Meeting sort and count the same and the Clerk of each town, plantation or place, shall make a fair record in the presence of the Selectmen, of the name of every person voted for, and the number of votes for each person, and shall make out a full and fair Copy of such record and attest the same, which copy so made out and attested he shall seal up, direct to the Secretary of the State with a superscription expressing the purport, thereof and transmit to the sheriff of the County in which he resides, within seven days after said meeting or to the Secretarys Office on or before the last Wednesday, but one in said Months of November respectively: and the several Sheriffs, shall on or before the said Wednesday, transmit to the Secretarys Office all certificates of votes, that shall be in manner aforesaid transmitted to them; and the respective Clerks and Sheriffs shall be liable to the same penalties for the neglect of the duties enjoined on them respectively by

this Act as they are liable to by law for omissions in transmitting the votes for Governor and Senators

Section 2nd And be it further enacted, that the Secretary of the State shall on the day following the last Wednesday, but one in the months, of November aforesaid respectively lay the certificates aforesaid before the Senate and House of Representatives in Convention to be by them examined and counted. And if any one or more persons shall appear to have a majority of votes, he or they shall be declared electors, provided, that not more than the requisite number shall have such majority: and in case more than the requisite number shall have such majority then the requisite number of persons having the highest number of votes shall be declared electors, But in case the state of the votes will not admit of the designation of the requisite number of persons by the highest number of votes, then as many as can be so designated shall be declared Electors. and from the remaining number of those who shall have a majority of the Votes, the Senate and House of Representatives in convention shall forthwith elect by ballot so many persons, one at a time, as shall be necessary to complete the requisite number. But if any or the whole number requisite shall not have such majority of the votes of the people the Senate and House of Representatives in convention shall cause a list to be made of the persons not chosen, having the highest number of votes, equal to double the number of electors wanted, and if it shall happen that two or more of the persons voted for have an equal number of votes, which number is also high enough to entitle the candidates to a place in said list, the names of such persons shall be put into a box and the secretary, not being one of the candidates—shall in presence of the convention draw the number wanted to complete said list, from which list the convention shall elect by ballot one person at a time, the number of electors wanted. And whenever the Secretary shall be a candidate and his name be put into the box as aforesaid the convention shall appoint some other person, to draw out the name or names in manner before directed

Section 3rd And be it further enacted, that his excellency the Governor for the time being shall cause the several persons who may be chosen electors to be seasonably notified of their appointment, and request their attendance at Concord on the teusday next preceding the first Wednesday in the following month of December at ten of the clock in the forenoon

Section 4th And be it further enacted, that the Electors chosen as aforesaid, shall meet at Concord on said teusday and by twelve of the clock at midday of said day give notice to the Legislature of the number of electors present who accept the said appointment, and if from such notice it shall appear, that the requisite number of electors is not then present or do not accept said appointment, the Senate and House of Representatives, shall immediately meet

in convention and by Joint ballot elect the number wanting to complete the board. And if any person or persons chosen on said teusday, shall not then attend and accept said trust, the Convention shall immediately choose one or more persons to supply such vacancy

Section 5th And be it further enacted, that the electors chosen and appointed as aforesaid, shall give their votes for President and vice President of the United States, at Concord on the first Wednesday in their respective Months of December aforesaid, and shall proceed to perform all the duties incumbent on them as Electors in manner prescribed by law

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS, THEREIN MENTIONED—

[Approved June 15, 1824. Original Acts, vol. 28, p. 51; recorded Acts, vol. 22, p. 446.]

Whereas certain persons have petitioned the Legislature to alter their names, and their request appearing reasonable therefore,

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that John Hogg of Springfield shall hereafter be called and known by the name of John Johnson, and his wife, Susan Hogg, and his children, Betsy, John, James, Joseph, Moses and Daniel Hogg shall severally, assume and bear the name of Johnson in like manner, Samuel Greenleaf Jun^r of Salsbury may assume and shall hereafter be called and known by the name of Francis Samuel Greenleaf Luther Wyman of Surry may assume and shall hereafter be called and known by the name of Luther Smith—

Rosetha Dort of Surry shall hereafter be called and known by the name of Rosetha Smith—

Stephen Kenniston of Wolfborough shall hereafter be called and known by the name of Stephen Davis,

David T. Libbey of Wolfborough, shall hereafter be called and known by the name of David T. Livy

Joseph Brown of Bristol shall hereafter be called and known by the name of Joseph H. Brown

Dexter Pratt of Dover shall hereafter be called and known by the name of George Dexter Pratt Josiah Richardson Crossman of Hollis shall hereafter be called and known by the name of William Parker—

Andrew Bradley of Thornton shall hereafter be called and known by the name of Andrew Rankin

Daniel Ricker of Somersworth shall hereafter be called and known by the name of Daniel Wentworth Ricker

George Roberts 3rd of Somersworth shall hereafter be called and known by the name of George Washington Roberts,

Hannah Washington, Fanny Proctor Washington and John Shepard Washington of Bradford may severally assume the surname of Davis and shall hereafter be called and known by that name

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE PROPRIETORS OF CONWAY AND EATON CANAL.

[Approved June 15, 1824. Original Acts, vol. 28, p. 52; recorded Acts, vol. 22, p. 448.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Colby, Joseph Hobson, junior, Moses K. Wells, their associates and successors, be, and they hereby are incorporated and made a body politic by the name and style of the Proprietors of Conway and Eaton Canal; and by that name may sue and be sued prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings; and hereby are vested with all the powers and privileges incident to corporations of a similar nature.

Sect 2. And be it further enacted, That said Proprietors be, and they hereby are authorized and empowered, within the term of five years from the passing of this act, to lay out, make and construct a Canal from Robinson Pond, so called, in Eaton in the county of Strafford, to the Great Mill Pond, or Walker Pond, so called, in Conway in said county, and thence into Saco River, in the most convenient direction for making said Canal, and for transporting lumber therein, and to erect dams and slips at the most suitable places, and to remove any obstructions from said stream, and do all things necessary to facilitate the passage of lumber from said Robinson Pond to Saco River.

Sect. 3. And be it further enacted, That if any person or persons, whose land shall be taken to make said Canal, or whose land shall be flowed by said Canal, and the said Proprietors cannot agree on the amount of damage thus occasioned, nor upon a suitable person or persons to estimate the same, then and in that case a disinterested committee of three freeholders in said county shall be appointed by the Superior Court of Judicature, or by two Justices

of the Quorum in said county; and the determination of the said committee or referees so appointed shall be the measure of damages: Provided however, that if either party shall be dissatisfied with the report of said referees, and shall at the term of the Court aforesaid at which said report shall be made apply to the said Court for a trial by Jury in the manner other causes are determined, the said Court shall have power to determine by Jury as aforesaid; and if the verdict of the Jury shall not give to the party applying a greater sum in damages than said referees shall have awarded as aforesaid, then the said Court shall award costs against the applicants; but if the said last decision shall be more favorable to the party applying than the report of said referees, then the said Court shall render judgment accordingly, and issue execution in either case.

Sect. 4. And be it further enacted, That if any person or persons, shall wilfully and maliciously in any way destroy or injure said Canal, or any works or part thereof, or divert or obstruct the waters, to the damage of said Proprietors, he, she or they shall pay treble the amount of damages the said Proprietors shall make to appear before any Court of competent jurisdiction that they have sustained

Sect 5. And be it further enacted, That for the purpose of reimbursing said Proprietors the moneys by them expended in making and constructing said canal, dams and slips, a Toll be, and hereby is granted and established: that is to say—For so many mill logs as will make one thousand feet of boards, thirty cents; for every thousand feet of boards, plank or slitwork, thirty cents; and in that proportion for a greater or less quantity of mill logs and other lumber passing down said canal and through said slips from any place above Walker Pond; and all mill logs and other lumber put afloat in Walker Pond and passing down said Canal and through the slips below said Pond shall pay a sum equal to two thirds of the rates aforesaid. And in case the owner of any lumber shall refuse to pay the toll hereby established when demanded, the said Proprietors, or their agent, are hereby authorized to stop and detain the same from passing through said slips until said toll be paid or satisfactory security therefor given; and if said toll shall not be paid or secured within three days after the same shall have been demanded, the said Proprietors or their agent shall have the right to sell so much of said lumber at public vendue, giving at least four days' notice thereof by posting notifications for that purpose in at least two public places in said Conway, as will be sufficient to pay said toll and incidental charges.

Sect. 6. And be it further enacted, That said Proprietors be, and hereby are authorized to purchase and hold so much real estate as may be necessary for the purposes intended by this act, not exceeding one thousand dollars.

Sect. 7. And be it further enacted, That any two of the persons before named may call the first meeting of said Proprietors at any suitable time and place by posting notifications therefor at some public place in Conway aforesaid at least fifteen days before the time of said meeting, or by giving at least ten days' personal notice of the time, place and design of said meeting: At which meeting the said Proprietors may agree on the manner of calling their future meetings; and at the same, or at any subsequent meeting, they may choose a Clerk and all other necessary officers and agents for conducting the concerns of said Corporation; may divide their capital or joint stock into such number of shares as they may think proper, and agree on the manner of transferring them; may order assessments and fix the time of their payment; pass by-laws, not repugnant to the laws of the State, for their regulation and government, and do and transact any business necessary to carry into effect the intentions of this act. All questions shall be determined by a majority of votes, allowing one vote to each share; and absent members may vote by proxy, being authorized in writing signed by the person represented and filed with the Clerk.

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE DUNBARTON SACRED MUSIC SOCIETY.

[Approved June 15, 1824. Original Acts, vol. 28, p. 53; recorded Acts, vol. 22, p. 452.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Kimball, Edward Gould, Jonathan Ireland Jun^r their associates, and such as may hereafter become members of said Society, are hereby incorporated and made a body politic by the name of the Dunbarton sacred music Society. and by that name may sue and be sued, plead & be impleaded, defend and be defended to final judgment and execution, and are hereby invested with all the powers and privileges incident to corporations of a similar nature

Sec 2nd Be it further enacted, that Samuel Kimball and Edward Gould may call the first meeting of said society, at any suitable time and place by posting a notification for that purpose at two public places in said Dunbarton, at least fifteen days, prior to said meeting, at which meeting the members shall choose a Clerk and other officers necessary: and may establish such by laws as they may think proper, not repugnant to the laws of this State—

Sect 3rd Be it further enacted, that said corporation may by gift, grant or otherwise receive, hold, & enjoy for purposes of improvement in sacred music personal estate to any amount not exceeding five hundred dollars.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST
FIRE ENGINE COMPANY IN PETERBOROUGH.

[Approved June 15, 1824. Original Acts, vol. 28, p. 54; recorded Acts, vol. 22, p. 454.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Jeremiah Smith, John Gordon, John H. Steele, their associates and successors, be, and they hereby are incorporated and made a body politick by the name and style of the First Fire Engine Company in Peterborough; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings; and they are hereby vested with all the powers and privileges incident to corporations of a similar nature.

Sect. 2. And be it further enacted, That said Company be, and hereby is authorized and empowered to purchase and hold real and personal estate for the purposes of their association to any amount not exceeding one thousand dollars, and the same may sell, convey and dispose of at pleasure.

Sect. 3. And be it further enacted, That Jeremiah Smith, John Gordon, John H. Steele, or any two of them, may call the first meeting of said Company at any suitable time and place in Peterborough in the county of Hillsborough, by giving to the members thereof at least three days' personal notice of the time, place and design of said meeting: At which said first meeting the said members may choose a Clerk, and agree on the manner of calling their annual and other meetings and the times and places of holding them; and at the same, or at any subsequent meeting, they may elect their officers and prescribe their duties; may order assessments and fix the time of their payment; pass by-laws, not repugnant to the laws of the State, and annex penalties to the breach thereof not exceeding five dollars for any one offence, and do and transact any business necessary to carry into effect the purposes intended by this act.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A SOCIETY FOR THE PROMOTING OF AGRICULTURE AND DOMESTIC MANUFACTURES IN THE COUNTY OF MERRIMACK

[Approved June 15, 1824. Original Acts, vol. 28, p. 55; recorded Acts, vol. 22, p. 455.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court, convened, that Ebenezar Larned, Hall Burgin, John Harris Joshua Darling, Ezekiel Webster, Stephen Ambrose Boswell Stevens, Joshua Fifield, Timothy Chandler and Horace Chase and their associates, and such others as may hereafter become associates and members, be, and they hereby are incorporated into a body politic and corporate forever by the name of the Society for the promotion of agriculture and domestic manufactures in the County of Merrimack—

Secⁿ 2nd And be it further enacted, that the said corporation be and they are hereby declared and made capable in law of having, holding purchasing, and taking in fee simple or any less estate by gift, grant, or otherwise any lands, tenements, or other estate, real or personal, provided the annual income thereof shall not exceed five thousand dollars. Also to sell, demise or dispose of the same estate real or personal for the purpose above mentioned

Secⁿ 3rd And be it further enacted, that the said corporation shall have full power and authority to make, have and use a common seal and the same to break, alter and renew at pleasure, and be capable in law to sue and be sued, in all courts, and to do and to suffer all such matters and things in and out of court as properly appertain to such corporation

Section 4th And be it further enacted, that the said corporation may make and establish and put in execution all such rules, regulations and by laws as may be necessary for said corporation: provided they be not repugnant to the constitution and laws of this State: and for the well ordering their affairs shall have such Officers as they shall hereafter, from time to time elect and appoint in pursuance of such rules, regulations and by laws as they may establish: and the said Officers, shall be capable of exercising such power for the well governing and ordering the affairs of the corporation as shall be committed to them by the laws and regulations thereof: provided nevertheless. that the said corporation shall not have the power of assessing more than ten dollars on each member in any one year, nor more than one dollar at a time, except at the annual meeting

Section 5th And be it further enacted, that, Ebenezar Lerner, Hall Burgin and John Harris or any two of them may call the first meeting under the authority of this act, at such time and place in the County of Merrimack: as they may think best, by giving public notice thereof fifteen days prior to said meeting in the newspapers printed at Concord, and expressing in such notice the object of the meeting—

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT ENTITLED AN ACT TO ESTABLISH A CORPORATION, BY THE NAME OF THE COOS AGRICULTURAL SOCIETY.

[Approved June 15, 1824. Original Acts, vol. 28, p. 56; recorded Acts, vol. 22, p. 458. The act referred to is dated June 18, 1819, Laws of New Hampshire, vol. 8, p. 766.]

Preamble—

Whereas at an adjournment of the annual meeting of the Coos Agricultural Society holden at the Court house in Lancaster on the eighteenth day of February in the year of our Lord one thousand, eight hundred and twenty four, it was voted unanimously by said Society, that application should be made to the General Court, to alter their act of incorporation so far as to reduce the sum, annually to be paid by each member of the Society from two dollars to one dollar, Therefore

Sec 1st Be it enacted by the Senate and House of Representatives in General Court convened that each member of said Society shall pay annually into its treasury on or before the day of the annual meeting thereof the sum of one dollar, instead of the sum of two dollars as is now required to be paid by the fourth section of the act to which this act is an addition

Sec. 2nd And be it further enacted, That this act shall not be construed so as to have any effect until the first day of October next.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MORNING STAR LODGE N^o. 17

[Approved June 15, 1824. Original Acts, vol. 28, p. 57; recorded Acts, vol. 22, p. 459.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that, Jonathan Copp, David Clark, William Piper and their associates and successors be, and they hereby are constituted and made a body corporate and politic forever by the name of Morning Star Lodge N^o. 17 and by that name may sue and be sued plead and be impleaded, prosecute, and be prosecuted to final judgment and execution—and may have and use a common seal, and the same may break, alter or renew at pleasure, and may hold Real and personal estate not exceeding in amount the sum of two thousand dollars, and shall have and possess all the powers and privileges incident to corporations of a similar nature

Sec 2 And be it further enacted, that Jonathan Copp, David Clark and William Piper, or any two of them may call the first meeting of said Corporation by posting up notice in some public place in each of the following Towns, to wit, Wolfeborough, Tuftonborough, and Moultonborough, thirty days at least prior to said meeting, and at said meeting, may choose all such officers and make and establish such rules and by laws as they may think proper, provided such rules and by laws shall not be repugnant to the constitution and laws of this State.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE TOWN OF WENDELL TO SEND A REPRESENTATIVE TO THE GENERAL COURT.

[Approved June 16, 1824. Original Acts, vol. 28, p. 58; recorded Acts, vol. 22, p. 461. Session Laws, 1824, Chap. 20.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court, convened That the Town of Wendell in the County of Cheshire, until otherwise ordered, be, and it is hereby authorized and empowered, to elect and send a Representative to the General Court, in the same way and manner as other towns in this State may now do, any law, usage or custom to the contrary, notwithstanding—The first Election to be on the second teusday of March next.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE, THE PROPRIETORS OF STRAFFORD MUSICAL SOCIETY IN SANDBORNTON.

[Approved June 16, 1824. Original Acts, vol. 28, p. 59; recorded Acts, vol. 22, p. 462.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that Parker Plumer, Elisha Smith Jr Josiah B Batchelder, Nathan Batchelder, Samuel Batchelder, William Batchelder, Daniel Clark, Stuart Smith, Hezekiah Smith, Samuel Smith Jr. John Clark 3rd, Bradbury Morrison J^r and their associates and successors be and they are hereby constituted and made a body politic and corporate forever by the name of Strafford Musical Society in Sandbornton and by that name may sue and be sued, plead and be impleaded, prosecute and be prosecuted to final Judgment and execution: and may for the promotion of sacred music in Sandbornton have and possess personal estate not exceeding three hundred dollars, and shall have and possess all the rights and privileges of corporations of a similar nature.

Sec 2nd And be it further enacted, that Parker Plumer, Elisha Smith J^r & Josiah Batchelder, or either two of them may call the first meeting of said Corporation by posting up notice of the time and place of said meeting in two or more public places in said Sandbornton at least fifteen days prior to said meeting, and at said meeting, or at any subsequent meeting may choose such Officers and make and establish such rules and by laws, as to them shall seem proper providing such rules and by laws are not repugnant to the constitution and laws of the State of New Hampshire.

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF DUBLIN LITERARY SOCIETY—

[Approved June 16, 1824. Original Acts, vol. 28, p. 60; recorded Acts, vol. 22, p. 463.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that Levi. W. Leonard, Joseph Appleton and their associates and successors, be and are

hereby incorporated into and made a body politic by the name and style of the Dublin Literary Society, with continuance and succession forever: and are hereby vested with all the powers and privileges of corporations of a similar nature and may hold personal property, not exceeding two thousand dollars for the use of this association.

Sec 2nd And be it further enacted, that Levi W, Leonard and Joseph Appleton are hereby authorised to call the first meeting of said Corporation at such time and place as they may think proper by posting up a Notification of the same at some public place in said Dublin at least fifteen days prior to such meeting: and the said Corporation may at the meeting aforesaid elect such officers and make and establish such bylaws and regulations (not contravening the laws of this State) as shall by them be deemed expedient and necessary for the government of said corporation.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT TO AUTHORISE THE COLLECTORS OF TAXES IN THE COUNTY OF MERRIMACK, TO COLLECT THE TAXES COMMITTED TO THEM, UNDER WARRANTS ISSUED PRIOR TO THE FIRST DAY OF AUGUST 1823.

[Approved June 16, 1824. Original Acts, vol. 28, p. 61; recorded Acts, vol. 22, p. 465. Session Laws, 1824, Chap. 23.]

Be it enacted by the Senate and House of Representatives in General Court convened that any collector of taxes in any town in the County of Merrimack to whom any list of taxes was committed under a warrant issued prior to the first day of August in the year of our Lord one thousand eight hundred and twenty three and who has not completed his collection be, and he hereby is authorized to proceed in collecting said taxes in the same manner as if the said County had not been formed, except that the commitment of delinquents shall be to the gaol in said County of Merrimack, instead of either of the gaols in the County of Rockingham or of Hillsborough.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF COLUMBIA BRIDGE.

[Approved June 16, 1824. Original Acts, vol. 28, p. 62; recorded Acts, vol. 22, p. 466. Session Laws, 1824, Chap. 24. See also act of December 16, 1828, *post.*]

Section 1.. Be it enacted by the Senate and House of Representatives in General Court convened, That Jared Cone, David Bundy, Ephraim H. Mahurin, Amos Bancroft, Marsena Blodget, Calvin Willard, Jared Cone, junior, Charles C. Cone, their associates and successors, be, and they hereby are incorporated and made a body politick by the name and style of the Proprietors of Columbia Bridge; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in their acts and proceedings, and in all cases whatever; and they are hereby vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sect. 2. And be it further enacted, That the said Proprietors are hereby authorized and empowered to construct and build a Bridge over and across Connecticut river at any suitable place between the towns of Columbia in this State and Minehead in the State of Vermont, and the same to keep in repair, and from time to time rebuild; and for this purpose the said Proprietors are authorized to purchase and hold so much land as may be necessary for their use and accommodation, not exceeding ten acres, and the same may sell, exchange and convey at pleasure.

Sect. 3. And be it further enacted, That any two of the three persons first above named may call the first meeting of said Proprietors by posting up a notification therefor at some publick place in said Columbia at least fifteen days prior to said meeting, or by giving at least ten days' personal notice of the time, place and design of said meeting: At which meeting the said Proprietors may choose a Clerk who shall be sworn to the faithful discharge of the duties of his office; may agree on the manner of calling future meetings; and at the same, or at any subsequent meeting, the said Proprietors may elect all necessary officers and agents and prescribe their duties; may divide their capital or joint stock into shares, and agree on the manner of transferring them; may order assessments and fix the time of their payment; may pass by-laws, not repugnant to the laws of the State, for their regulation and government, and do and transact any business necessary to carry into effect the objects of their association. All questions shall be determined by a majority of votes, accounting one vote to each share;

and absent proprietors may vote by proxy, being authorized in writing signed by the person represented and filed with the Clerk.

Sect. 4. And be it further enacted, That for the purpose of reimbursing said Proprietors the money by them expended in building and keeping said Bridge in repair, a Toll be, and hereby is granted and established of the rates following, that is to say; For every foot passenger, one cent; for every horse and rider, or led horse, four cents; for every cart or waggon with one horse or one yoke of oxen, eight cents, and for every additional horse or yoke of oxen, two cents; for every chaise or other carriage of pleasure with one horse, ten cents, and for each additional horse two cents; for every sleigh or sled with one horse or one yoke of oxen, six cents, and for each additional horse or yoke of oxen, two cents; for horses or mules in droves, two cents each; for neat cattle in droves, one cent each, and for sheep or swine in droves, one fourth of a cent each. And the toll-gatherer appointed by said Proprietors shall have a right to stop all persons from passing said Bridge with their cattle, teams or carriages, and to detain them until said toll be paid or tendered; and at all times when the toll-gatherer does not attend his duty the gate shall be left open.

Sect. 5. And be it further enacted, That the shares in said Corporation shall be holden and liable for all assessments duly made thereon, and upon the non-payment thereof within the time fixed for their payment, the said shares may be sold at public vendue, or so many of them as will be necessary to pay such assessments with incidental charges, under such regulations as the said Proprietors in their by-laws shall prescribe.

Sect. 6. And be it further enacted, That after the expiration of five years from the completion of said Bridge, upon the application of said Proprietors, or of any other person or persons, the Justices of the Superior Court of Judicature at any session of said Court in and for the county of Coos, upon an examination of the account of expenses incurred by said Proprietors in building and keeping said Bridge in repair, and the account of tolls by them received for passing the same, may alter the aforesaid rates of toll, by increasing or diminishing them in such manner, that said Proprietors shall never receive more than twelve per centum on the amount of the expense of building and repairing said Bridge.

Sect. 7. And be it further enacted, That in case said Bridge shall not be completed within the term of five years from the passing hereof, this act and every part thereof shall be null and void.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT TO ABOLISH THE OFFICE OF QUARTER-MASTER-GENERAL, AND FOR TRANSFERRING THE DUTIES OF SAID OFFICE, AS HERETOFORE REQUIRED BY LAW, TO THE OFFICE OF THE ADJUTANT-GENERAL.

[Approved June 16, 1824. Original Acts, vol. 28, p. 63; recorded Acts, vol. 22, p. 470. Session Laws, 1824, Chap. 25. See also acts of July 6, 1839, id., 1839, Chap. 454, and July 8, 1862 id., 1862, Chap. 2581.]

Whereas it would be for the convenience of the militia of this State, that the duties now required by law to be done by the quarter-master-general, should be performed by the adjutant and inspector general, and that there should be but one publick office at which all the business of the adjutant and quarter-master-general should be transacted: Therefore,

Secⁿ 1st BE it enacted by the Senate and House of Representatives in General Court convened, That the office of quarter-master-general be, and the same is hereby abolished, and that the duties now required by law to be done by the quarter-master-general shall hereafter be done and performed by the adjutant and inspector-general; and that all returns which are now by law required to be made to the quarter-master-general shall hereafter be made to the adjutant and inspector-general.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE DOVER LANDING AQUEDUCT COMPANY.

[Approved June 16, 1824. Original Acts, vol. 28, p. 64; recorded Acts, vol. 22, p. 472. See also Acts of July 13, 1855, Session Laws, 1855, Chap. 1756, and July 3, 1873, id., 1872-76, p. 243.]

Section 1st Be it enacted, by the Senate and house of Representatives, in General court convened, that Nathaniel W. Ela, Joseph Smith, Nathaniel Young, Jeremy Young, Michael Read, Daniel M. Durell, John Ham, Amos White, Alphonso Gerrish, Hosea Sawyer, James B Varney, and their associates be and they hereby are constituted and made a body politic forever, by the name of the Dover landing aqueduct Company for the purpose of conveying water by subterraneous pipes, into that part of the village of Dover which lies upon the northerly and easterly side of the

Cochecho river, and by that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution and are hereby vested with all the privileges and powers which by Law are incident to corporations of a similar nature.

Sec 2nd And be it further enacted, that said corporation be and the same hereby is authorized to acquire by purchase, or otherwise and to hold and enjoy all such real & personal estate as may be necessary & convenient for the conveyance of water as aforesaid, and the same may sell and dispose of at pleasure provided such estate shall not exceed in value the sum of two thousand, five hundred dollars.

Sec 3rd And be it further enacted, that the capitol or joint stock of said corporation may be divided into as many shares as the proprietors at a legal meeting may think fit, which shares shall be numbered in progressive order, and each proprietor shall have a certificate under the hand of the Treasurer, expressing his number of shares, and the progressive number of each, and certifying that he is the owner thereof, which share or shares may be alienated by the proprietor, thereof, his executors or administrators, in such manner as said corporation may direct.

Sec 4th And be it further enacted, that the shares in said capital or joint stock shall be liable and holden for all assessments legally made thereon, and upon nonpayment of such assessment or any part thereof for the space of thirty days, after the same shall have become due and payable, the Treasurer may proceed in the manner prescribed in the by laws of said corporation, to sell at public auction such delinquents shares or so many thereof as may be necessary to pay the sum due thereon with incidental charges.

Sec 5th And be it further enacted, that said corporation is hereby authorised and empowered to enter upon and break up the ground, and dig ditches & trenches in any land and enclosure, or in any street or highway through which it may be convenient for said aqueduct to pass, and therein to place and maintain such pipes and posts as may be necessary for building completing and maintaining said aqueduct and repairing the same when requisite, provided that in case said corporation and the owners of the land through which the aqueduct may pass shall not agree on the compensation to be made for the damage done to said land, the superior court of Judicature upon application of said corporation or of the owners of said land, may appoint a committee who shall estimate the damage and make report to said court and if either of said parties shall be dissatisfied with the report of said committee, on application to the superior court, a trial by Jury, for the purpose of assessing said damages shall be had in the same way and manner as other trials are had at said Court. and the said court are authorised to render judgment on said report or verdict of Jury and issue execution accordingly, and provided also that said streets and highways shall

not be incumbered or injured by said aqueduct so as to obstruct or hinder the citizens of said State from passing therein with teams and carriages with convenience.

Sect 6th And be it further enacted, that Nathaniel W. Ela Joseph Smith, and Nathaniel Young or any two of them, may call the first meeting of said corporation to be holden at some suitable time and place as they shall direct, by giving such public notice thereof as they may think reasonable, and the members of said corporation at that or any legal meeting by vote of a majority of those present and represented allowing one vote in all cases to each share represented, may choose such officers as may be deemed necessary, and prescribe their respective duties, may order assessments, and fix the time of their payment, may pass by laws for their due regulation and government, prescribe rules for the transfer of their stock, agree on the manner of calling future Meetings, and may do and transact such other business, in relation to the concerns of said corporation as they may see fit.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE THE SALE OF PARSONAGE LANDS BELONGING TO THE CONGREGATIONAL SOCIETY IN PLAISTOW IN THE COUNTY OF ROCKINGHAM TO RAISE A FUND FOR THE SUPPORT OF THE GOSPEL MINISTRY AND TO APPOINT TRUSTEES FOR THE MANAGEMENT THEREOF.—

[Approved June 16, 1824. Original Acts, vol. 28, p. 65; recorded Acts, vol. 22, p. 476. See act of December 18, 1816, Laws of New Hampshire, vol. 8, p. 553.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Nathaniel Clark, Simeon Kelly Nicholas White, Daniel Harriman and Moses F. Peaslee be and hereby are appointed trustees to manage such funds as are or shall be raised and appropriated, given or bequeathed for the uses aforesaid; and they and their successors are hereby incorporated into a body politic and corporate forever by the name of "The trustees of the Ministerial fund in Plaistow"; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court of record or any other place whatever; and also to make, have and use a common seal and the same again at pleasure to break, alter and renew. That said trustees and their successors in office may and shall annually elect a Clerk, who shall be sworn, and a Treas-

urer, who shall give bond to the trustees in such sum as the trustees may consider adequate with sufficient surety or sureties faithfully to account for the monies and all other property he may receive by virtue of this act.—

Sec. 2. And be it further enacted that said trustees be and hereby are vested with full power to receive into their hands all the real and personal estate which belongs to said Congregational society, and all monies, subscriptions, donations, and securities for real and personal estate that may hereafter be given, raised or subscribed for the purpose aforesaid; and the said trustees and their successors be and hereby are authorized to sell and convey the whole or any part of the real estate belonging to said Congregational Society, and to make execute and acknowledge a good and sufficient deed or deeds thereof, which shall be signed by their Treasurer and the seal of said trustees thereto affixed. Provided however that in any sale as aforesaid the approbation of said Congregational Society shall be first expressed at a legal meeting duly convened for that purpose.

Sec. 3. And be it further enacted that the number of said trustees shall never be more than five nor less than three, a major part of whom shall constitute a quorum for transacting business; and the inhabitants of said Congregational Society at any legal meeting duly warned for that purpose may remove any of said trustees from their said office; and whenever any vacancy shall happen in said board of Trustees, either by death, resignation or removal, the said Congregational Society at a legal meeting duly warned for that purpose shall by ballot fill said vacancy within one year after it shall happen; otherwise the said trustees by a major vote shall have power to fill such vacancy; and the said Trustees shall annually hold a meeting in the month of March or April and as much oftener as may be necessary to transact their business.

Sec. 4. And be it further enacted that said Trustees are hereby made capable of holding as aforesaid, real and personal estate the income of which shall not exceed six hundred dollars per annum, and no part of the capital of said fund shall ever be expended; and said trustees shall exhibit to said Congregational society at their annual meeting a particular statement of all the funds in their hands and shall receive no compensation for their services out of said funds, but may be remunerated for their service by said society.

Sec. 5. And be it further enacted that it shall be the duty of said trustees to use and improve the said funds and estate with care and vigilance so as best to promote the design thereof; and they shall be amenable to the said Congregational Society for negligence or misconduct in the management or disposition thereof; and the said Congregational Society may have and maintain a special action on the case against the proper persons of said trustees or any one

or more of them and his or their goods and estate for such negligence or misconduct.—

Sec. 6. And be it further enacted, that the income of said fund shall be applied exclusively for the support of a Gospel minister of the Congregational denomination.

Sec. 7. And be it further enacted that the income of said fund shall be expended exclusively for the support of public worship as well for the use and benefit of the members of the North Parish in Haverhill in Massachusetts, who usually worship with said Congregational society as for said society, in the same manner as the income of the parsonage land has hitherto been enjoyed, under the limitations and conditions mentioned in this act; provided however that the members of said North Parish in Haverhill shall pay their just proportion of all additional sums over and above the income of said fund, which may be necessary for the support of public worship and other parochial purposes; And if said North Parish in Haverhill shall by any means acquire any funds for the support of public worship the income of the same shall be expended as well for the benefit of said Congregational Society in Plaistow as for themselves.

Sec. 8. And be it further enacted that Moses F. Peaslee Esquire be and is hereby authorized to appoint the time and place for the first meeting of said Trustees and shall notify them accordingly, and all subsequent meetings shall be notified in such manner as said Trustees may direct.—

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING THE PROBATE COURT WITHIN AND FOR THE COUNTY OF MERRIMACK

[Approved June 16, 1824. Original Acts, vol. 28, p. 66; recorded Acts, vol. 22, p. 481. Session Laws, 1824, Chap. 28. See acts of June 28, 1825, and July 5, 1827, *post.*]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened that the Probate court within and for the County of Merrimack shall hereafter be holden at the following times and places in said County, at Concord on the third teusday of January and on the third teusday of August— at Salisbury on the second Teusday of February and the second teusday of September— At Pembroke on the third teusday of March and on the third teusday of October— at Hopkinton on the first teusday of April, and the last teusday of July— at Loudon on the second

Teusday of May and the second teusday of November; at Warner on the first teusday of June and the third teusday of December, and at all such other, times and places as the Judge of probate for the said County may order and appoint

Sect 2 And be it further enacted, That it shall be the duty of the judge and register of probate, within and for said County of Merrimack, to attend at the several times and places mentioned in the preceding section for holding said probate Court.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A TOWN BY THE NAME OF RANDOLPH

[Approved June 16, 1824. Original Acts, vol. 28, p. 67; recorded Acts, vol. 22, p. 482. Session Laws, 1824, Chap. 29.]

Section 1st Be it enacted by the Senate and House of Representatives in General court convened that the tract of land granted and known by the name of Durand, situate in the County of Coos, shall hereafter be called and known by the name of Randolph and shall be a Town by that name,

Sec 2nd And be it further enacted, that the inhabitants of said township be and they hereby are made a body corporate and politic, with all and the same rights powers, privileges, immunities & liabilities of similar corporations in this State, & that said Town of Randolph shall remain classed, as at the present time, for electing a Representative, until otherwise ordered by the Legislature.

Sec 3rd And be it further enacted, that for the purpose of duly organizing said town, a meeting of the inhabitants, thereof, legally qualified to vote in town affairs, shall be holden in said Town on the first teusday of September next, at which meeting selectmen & other necessary officers may be elected, to continue in office, until others are chosen agreeably to the standing laws of this State, and that Joseph Morse, Levi Low and Titus, O, Brown Jun^r or any two of them be authorized to call the first meeting of said inhabitants by giving such notice as is required for annual town meetings.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1824, June 14.

Be it resolved by the Senate and House of Representatives in General Court convened That the selectmen or the major part of them, at the charge of the Town, parish or place, to which they belong, shall transmit and return an Inventory of the polls and rateable estates of the several Towns, parishes and places, within this State as taken for the current year, and shall also return, distinctly the amount of the footing of each column of the Inventory taken in April last year into the Secretarys, office on or before the tenth day of November next. Which Inventory shall consist of all male polls from eighteen to seventy years of age, except such from eighteen to twenty one, as shall be enrolled in the Militia, president, professors, tutors, instructors and students of colleges, preceptors of Academies, paupers and idiots, also of the following articles which each person shall have been possessed of on the first day of April last, viz, orchard arable, mowing and pasture land, accounting so much orchard land as will in a common season produce ten barrels of cider or perry one acre; so much pasture land as will summer a cow four acres; and what mowing land will produce, commonly one ton of good english hay yearly or meadow hay in proportion, one acre; and what arable or tillage land will commonly produce twenty five bushels of corn yearly, one acre; in which is to be considered all land planted with Indian corn, potatoes and beans, and sown with grain, flax or peas, all stallions, or stud horses that have been wintered three winters; all other horses and mares distinguishing those that have been wintered, two, three, four and five winters; all Jacks that have been wintered three winters; all mules, distinguishing those that have been wintered, two, three and four winters; all Oxen distinguishing those that have been wintered four and five winters; all cows that have been wintered four winters; all young cattle distinguishing those that have been wintered two and three winters; all mills, wharves and ferries and the yearly rent thereof, yearly repairs thereof being first deducted, according to the judgment of the person taking the Inventory the sum total of all Bank Stock; the sum total of the Value of all real Estate viz lands and buildings not included in the above mentioned articles, exclusive of all toll bridges, whether owned by residents or nonresidents, except such as are appropriated to public use; the sum total of the value of all stock in trade; the sum total of all money on hand, and at Interest more than the party pays interest for: That said Inventory taken as above be made agreeable to the following form

	Polls from 18 to 70 years of age excepting those from 18 to 21 enrolled in the militia president, professors, tutors, instructors & students of colleges, preceptors of Academies, paupers and idiots
	Acres of orchard land
	Acres of arable land
	Acres of mowing land
	Acres of pasture land
	Stallions or Stud horses that have been wintered, three winters and upwards
	Other Horses and mares that have been wintered five winters
	Other horses and mares wintered four winters
	Other horses and mares wintered three winters
	Horses and mares wintered two winters
	Jacks that have been wintered three winters
	Mules, that have been wintered four winters
	Mules that have been wintered three winters
	Mules that have been wintered two winters
	Oxen wintered five winters
	Oxen wintered four winters
	All cows wintered four winters
	All neat stock wintered but three winters
	All neat stock wintered but two winters
	Yearly rent or income of wharves, mills and ferries, yearly repairs deducted
	Sum total of all bank Stock
	Sum total of the value of all buildings and real estate, improved and owned by residents and non residents not included in the above
	Sum total of the Value of all stock in trade
	Sum total of money at interest, including stock in the funds and securities for any kind of property at interest more than interest is paid for, and including money on hand
	Sum total of the value of all unimproved lands, owned by residents and nonresidents
	All chaises, coaches, sulkies and other wheeled carriages of pleasure

That in all cases where a copy of the Inventory taken in April last, cannot be had, every person is required to give in a true and faithful Inventory of the foregoing articles belonging to him respectively on oath or affirmation if required thereto by the person or persons taking said Inventory, who are hereby empowered to administer the same; and on refusal or neglect thereof, the person or persons taking said Inventory are to set down to him or them so refusing or neglecting, so much as in his or their judgment appears equitable by way of doomage: that the Selectmen of the

next oldest town, to the town, parish or place where no selectmen are chosen, shall take an inventory of such town, parish or place or appoint some person or persons in said town, parish, or place to do the same and return it as aforesaid, for which they shall be paid adequate compensation out of the treasury, on their account being exhibited and allowed by the General Court. The selectmen shall, also, make return of what a single poll was taxed in the last State Tax. That the Selectmen as aforesaid likewise make returns of the amount of taxes assessed for the last and present year, on any factory, for the manufacture of Cotton or Woolen goods, Iron, salt, or Glass with the valuation of the same, stating whether the same were inventoried as mills, stock in trade, real estate or otherwise, and also of the average amount of the capital stock of any factory, not assessed the last year and the present year, nor either the last or the present year according to their belief and knowledge: and Also, of the value of the buildings and Machinery, distinguishing the amount and value of each

[House Journal, June Session, 1824, p. 114. Senate Journal, June Session, 1824, p. 54. Original Acts, vol. 28, p. 68.]

1824. June 16.

Whereas a good carriage road from the town of Adams to the town of Durand in the County of Coos, passing on the easterly side of the White Mountains, would greatly promote the public convenience by facilitating the travel in that section of the State, and very much enhance the value of the public lands through which said road shall pass; and whereas the Inhabitants of Lancaster, Jefferson, Kilkenny, Durand, Adams, Bartlett and Conway have subscribed about the sum of one thousand dollars, payable in Labor, for the purpose of defraying in part the expences of making said road and building the necessary bridges thereon, and have given their Obligations therefor to Daniel Pinkham of said Adams who has undertaken and obliged himself to make said road, and build said bridges; Therefore, Resolved by the Senate and House of Representatives in General Court convened, that in consideration, and upon the condition that the said Daniel Pinkham, shall make or cause to be made and completed, the road aforesaid, passing from the settlements, in the Town of Adams, on the easterly side of the White Mountains, to the settlement in the town of Durand, with the necessary bridges thereon, sufficient and safe for travelling carriages of every description, at all seasons, of the year, and shall within three years from the passing hereof, produce, from John Pendexter junior John Wilson, and John Bowman esquires, who are hereby appointed a committee to examine and accept, said road, a certificate that said road is made and completed in manner aforesaid and agreeably to the intentions of this resolution; there be and hereby is granted to the said Daniel Pinkham, his heirs and assigns, all the lands belonging to and being the property of this State situate and lying in the town of Adams aforesaid, and all the unlocated lands belonging to and being the property of this State, through which said contemplated road shall pass between said towns of

Adams and Durand, adjoining said road and extending to the distance of one hundred and sixty rods, on each side of the same

And be it further resolved, that the Treasurer of this State for the time being be and he is hereby authorised and directed upon receipt of the certificate aforesaid to execute and deliver in behalf of said State a deed conveying to said Daniel Pinkham his, heirs and assigns all the right title, and Claim of this State to the several unlocated parcels of land described as aforesaid.

[House Journal, June Session, 1824, p. 240. Senate Journal, June Session, 1824, p. 91. Original Acts, vol. 28, p. 69.]

1824, June 16.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be requested to issue precepts to the Selectmen of the several towns, parishes, plantations and places in this State, directing said Selectmen to notify in the manner prescribed by law the inhabitants of said towns, parishes, plantations and places, qualified to vote in the choice of Senators in the State Legislature, to assemble in their respective towns, parishes, plantations or places, on the first Monday of November next, to elect by ballot six persons duly qualified for Representatives in the Nineteenth Congress of the United States.

[House Journal, June Session, 1824, p. 253. Senate Journal, June Session, 1824, p. 94. Original Acts, vol. 28, p. 70.]

1824, June 16.

Resolved by the Senate and House of Representatives in General Court convened, That John Wilson, Ephraim H. Mahurin and Lewis Loomis, be, and they hereby are appointed a committee to ascertain as far as they may be able, without actual survey, the quantity, quality and value of the tract of land within this State situate north and east of the land granted to Dartmouth College; the number of settlers thereon; the times when they severally commenced their settlements; the quantity of land in their possession; the quality and value thereof; and report to the next session of the Legislature.

[House Journal, June Session, 1824, p. 261. Senate Journal, June Session, 1824, p. 94. Original Acts, vol. 28, p. 71.]

[*Second Session, Held at Concord, November 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, December 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 1824.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT AUTHORISING THE FIELD OFFICERS OF THE FIFTH REGIMENT TO ORGANISE A COMPANY OF RIFLE-MEN AT AMHERST IN THE COUNTY OF HILLSBOROUGH—

[Approved November 27, 1824. Original Acts, vol. 28, p. 72; recorded Acts, vol. 22, p. 484. Session Laws, 1824, Chap. 30.]

Whereas it appears that the field-officers of the fifth regiment of militia, are willing to organise a company of rifle-men at Amherst within said regiment agreeable to an application made to them for that purpose—and whereas the permission of the brigadier-general, required by the militia law of this State, cannot now be obtained on account of his being under an arrest. Therefore

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened; that the field-officers of the fifth regiment of militia or the major part of them, for the time being, may, if they see fit, organise one company of rifle-men at Amherst in the County of Hillsborough—which may consist of thirty six rank and file, to be officered like the companies of infantry and each non-commissioned officer and privates shall be armed with a good rifle, and equipt as rifle-men usually are in actual service.

Sec 2 And be it further enacted; that said company of rifle-men when formed and organised, agreeable to the provisions of the first section of this act, shall be attached to the fifth regiment, and shall be subject to the same liabilities as if said company had been organized with the consent of the Brigadier General of the fourth Brigade

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE FIELD OFFICERS OF ANY REGIMENT WITH THE PERMISSION OF THE BRIGADIER GENERAL TO ORGANIZE COMPANIES OF RIFLEMEN.

[Approved December 4, 1824. Original Acts, vol. 28, p. 73; recorded Acts, vol. 22, p. 496. Session Laws, 1824, Chap. 36.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in general court convened, that from and after the passing of this act, the field officers of any regiment may with the consent of the Brigadier General organize two companies of riflemen in their respective regiments which may consist of thirty six rank and file, to be officered like the companies of infantry, and each non-commissioned officer and private shall be armed with a good rifle and shall be equipped as riflemen usually are in actual service.

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE RUMNEY CIRCULATING LIBRARY SOCIETY.

[Approved December 4, 1824. Original Acts, vol. 28, p. 74; recorded Acts, vol. 22, p. 497.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Kendall Osgood, Samuel Burnham and George Burns and their associates and all who may hereafter be associated with them, be and they hereby are incorporated into and made a body politic and corporate by the name and style of the Rumney Circulating Library Society subject to all the liabilities and with all the privileges incident to corporations of a like nature.

Sect. 2. And be it further enacted, that Kendall Osgood, Samuel Burnham and George Burns or any two of them be and they hereby are authorized and empowered to call the first meeting of the proprietors at such time and place in said Rumney as may be judged proper by posting up notifications of the time and place at two of the most public places in said town of Rumney fifteen days before the time of holding said meeting at which meeting said proprietors may elect such officers and transact such business as may be necessary.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
CANDIA LITERARY LIBRARY SOCIETY.

[Approved December 6, 1824. Original Acts, vol. 28, p. 75; recorded Acts, vol. 22, p. 485.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court, convened, that Isaiah Lane, Daniel Fitts, Junior, and Frederic Fitts and their associates and successors, proprietors of said Library, are hereby incorporated by the name of the Candia Literary Library Society, with continuance and succession forever, and in that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and privileges and subject to all the liabilities incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that Isaiah Lane, Daniel Fitts Junior and Frederic Fitts before named, or any two of them, may call the first meeting of said proprietors, at such time and place in said Candia, as may be judged proper by posting up a notification of the time and place of holding said meeting, at the Congregational meeting house in said Candia, and at some other public place therein, at least fifteen days before the time of holding said meeting; at which meeting the proprietors may transact all necessary business.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE WENTWORTH INSTRUMENTAL MUSIC
BAND.

[Approved December 6, 1824. Original Acts, vol. 28, p. 76; recorded Acts, vol. 22, p. 487.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that True Stevens, Newel Stanyan and John Stevens and their associates and successors be and hereby are created a corporation by the name of the Wentworth Instrumental Music Band, with power to take and hold personal estate to an amount not exceeding five hundred dollars, and with all other powers, rights, privileges and immunities (except that of holding real estate) which are by law incident to similar corporations.

Sect. 2. And be it further enacted, that True Stevens hereby is appointed and authorized to call the first meeting of said corporation by giving to each member thereof a notice in writing of the time and place of holding the same.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF AMOSKEAG BRIDGE.

[Approved December 6, 1824. Original Acts, vol. 28, p. 77; recorded Acts, vol. 22, p. 488. See also acts of June 16, 1792, Laws of New Hampshire, vol. 6, p. 13; December 15, 1796, id., p. 375; June 19, 1817, id., vol. 8, p. 605, and July 1, 1819, id., p. 825.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, That Jonas, B, Bowman, Robert Hall, William P, Riddle, and John Ray, and their associates, and successors, be and they are hereby constituted and made a body corporate by the name and style of the proprietors of Amoskeag Bridge, and in that name may sue, and be sued, plead and be impleaded, prosecute and defend to final judgment and Execution, and be known and distinguished in their acts and proceedings, and in all cases whatever, and they are hereby vested with all the powers and privileges which are by Law incident to corporations of a similar nature.

Sec. 2nd And be it further enacted, That the said proprietors, are hereby authorized and empowered to construct and build a bridge over and across Merrimac River at the foot of Amoskeag Falls, at or near the place where the old Bridge stood, and the same to keep in repair, and from time to time rebuild; and for this purpose the said proprietors are authorized to purchase and hold so much land as may be necessary for their use and accommodation, not exceeding ten acres, and the same may sell, exchange, or convey at pleasure.

Sec 3rd And be it further enacted, That Jonas. B Bowman, Robert Hall, and William P. Riddle, or any two of them may call the first meeting of said proprietors, by posting up a notification therefor at Piscataquog village in Bedford, and some suitable place in Goffstown, at least fifteen days prior to said meeting, or by giving at least ten days personal notice of the time, place, and design of said meeting, and by publishing a similar notice in the New Hampshire Patriot and State Gazette printed in Concord, in the County of Merrimac, three weeks, successively, previous to said meeting, at

which meeting, the said proprietors may choose a Clerk, who shall be sworn to the faithful discharge of the duties of his Office; may agree on the manner of calling future meetings; and at the same, or any subsequent meeting, the said proprietors may elect all necessary officers, and agents, and prescribe their duties; shall divide their capital or joint stock into one hundred shares, and agree on the manner of transferring them; may order assessments, and fix the time of their payment; may pass by laws not repugnant to the laws of the State, for their regulation and government, and do and transact any business necessary to carry into effect the object of their association. All questions shall be determined by a majority of votes, accounting one vote to each share; and absent proprietors may vote by proxy, being authorized in writing signed by the person represented, and filed with the Clerk.

Sec 4th And be it further enacted, That for the purpose of reimbursing said proprietors, the money by them expended, in building and keeping said Bridge in repair, a toll be and hereby is granted and established of the rates following, that is to say: For every foot Passenger, one cent; for every Horse and rider or led horse six cents: for every cart or waggon, with one horse or one yoke of oxen twelve cents: and for every additional horse or yoke of oxen four cents; for every Chaise, or other carriage of pleasure with one horse, twelve and one half cents; and for each additional horse four cents; for every sleigh or sled with one horse or one yoke of oxen eight cents; and for each additional horse or yoke of oxen three cents; for horses and mules in droves three cents each; for neat cattle in droves two cents each; and for sheep and swine in droves one half cent each. And the toll gatherer appointed by said proprietors, shall have a right to stop all persons from passing said bridge, with their cattle, teams or carriages and to detain them until said toll be paid or tendered; and at all times when the toll gatherer does not attend his duty the gate shall be left open.

Sec, 5. And be it further enacted, That the shares in said corporation shall be holden and liable for all assessments duly made thereon, and upon the nonpayment thereof within the time fixed for their payment, the said shares may be sold at public vendue, or so many of them as will be necessary to pay such assessments with incidental charges under such regulations as the said proprietors in their by laws shall prescribe.

Sec 6. And be it further enacted, That after the expiration of five years from the completion of said Bridge, upon the application of said proprietors, or of any other person or persons, the Justices of the superior Court of Judicature at any session of said Court in and for the County of Hillsborough, upon the examination of the account of expenses incurred by said proprietors in building and keeping said bridge in repair, and the account of tolls by them received for passing the same, may alter the aforesaid rates of toll by

increasing or diminishing them in such manner that said proprietors shall never receive more than twelve per centum on the amount of the expence of building and repairing said bridge.

Sec 7. And be it further enacted, That unless said proprietors proceed to build and complete a bridge as aforesaid, within the term of two years next following the passage of this act, they shall cease to receive the benefit thereof, and the powers and privileges herein granted to them shall revert to Olney Robinson and Frederick G. Stark, and their associates, who are hereby authorized to organize under this act, and to erect a Bridge across said river at any place on Amoskeag falls, and to have and receive the benefit of this act as fully as the aforesaid grantees would have done had they proceeded to erect said Bridge, provided they build and complete said Bridge within four years from the passing of this act.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE JONATHAN C. EVERETT AND HIS ASSOCIATES, WITH THE EXCLUSIVE RIGHT AND PRIVILEGE OF CUTTING A CANAL AND CONSTRUCTING LOCKS AND SLIPS FROM WINNIPISIOGEE LAKE TO SANDBORNTON BAY.

[Approved December 6, 1824. Original Acts, vol. 28, p. 78; recorded Acts, vol. 22, p. 491. See also acts of June 19, 1812, Laws of New Hampshire, vol. 8, p. 122, and July 7, 1827, *post.*]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Jonathan C. Everett, Daniel Avery, Dudley Ladd, George L. Sibley, and Stephen C. Lyford, with those who are or shall become proprietors with them in the privileges aforesaid, so long as they shall continue proprietors thereof, shall be a corporation and body politic under the name of "The Proprietors of the Winnipisiogee-river Canal" and in that name may sue and be sued, prosecute and be prosecuted to final judgment and execution and shall be and hereby are invested with all the powers and privileges which by law are incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that the proprietors shall at any legal meeting to be warned and holden as they shall agree, have power to make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid and for collecting the tolls hereinafter granted; and the same rules and by-laws may cause to be executed and may annex penalties to

the breach thereof, provided such rules and by-laws are not repugnant to the constitution and laws of this State. And all representations at any meeting of said corporation shall be proved in writing by the person said to be represented, which shall be filed by the Clerk who shall be elected by said proprietors; and this act and all rules and by-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by the said clerk in a book or books to be kept for that purpose.

Sect. 3. And be it further enacted, that the proprietors aforesaid be and they are hereby authorized and permitted to open a canal and lock all the falls between the said Winnipisiogee Lake and the said Sandbornton Bay in such route and direction as in the best of their judgment shall be most eligible for the aforesaid purpose.

Sect. 4. And be it further enacted, that said proprietors be and they hereby are authorized to purchase any lands contiguous to said canal necessary for the purposes of the incorporation and hold the same in fee simple and any share or shares of any individual may be transferred by deed duly acknowledged and recorded by the Clerk of said proprietors on their records.

Sect. 5. And be it further enacted, that if said proprietors and owners of land through and upon which said canal may be cut and said locks and slips constructed shall disagree on the compensation to be made for the land necessary to be appropriated for that purpose and shall not agree in appointing persons to ascertain such compensation, the Justices of the Superior Court of Judicature, upon the application of the said proprietors or the owners of the land, reasonable notice having been first given to the adverse party, shall appoint a committee, who shall ascertain the same in the same way that compensation is made to the owners of lands for highways as usually laid out; Provided nevertheless that it shall not be lawful for the said proprietors to open said canal and erect locks and slips as aforesaid until the damage which may be done to the owner or owners of land through and over which the same is to be opened and erected is ascertained and actually paid, or tender thereof made.

Sect. 6. And be it further enacted, that for the purpose of reimbursing the proprietors aforesaid for cutting and opening said canal and locking the same a toll be and hereby is granted for all goods, wares, merchandise, and lumber that may be transported through said canal from the waters of the said Lake Winnipisiogee to the said Sandbornton Bay and also from said bay to said lake and for any intermediate distance between the said lake and bay at such rates as shall be established by the Superior Court on application to them by the proprietors aforesaid after the said canal or any part thereof shall have been made navigable.

Sect. 7. And be it further enacted, that for the collection of the toll established as aforesaid as well as for the purpose of assisting in

the conducting of boats, lumber &c through the several locks and slips pertaining to said canal, there shall be constantly in readiness at said locks and slips, or such of them as shall be necessary, a proper person or persons, who shall always attend his or their duty therein during the season in which said canal shall be in use:—Provided, that if said canal is not finished or the fall in any place completed so far as to convey and reconvey any and every article proper to be transported through the same within five years from the passing of this act, the same shall be considered void.

Sect. 8. And be it further enacted, that Jonathan C. Everett Daniel Avery and Dudley Ladd or any two of them may call the first meeting of said corporation by giving personal notice in writing to each proprietor at least fifteen days prior to the day of meeting.

Sect. 9. And be it further enacted that this act shall be and hereby is declared to be a public law and as such shall be given in evidence in all cases whatever.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO DISANNEX A CERTAIN PIECE OF LAND HEREIN DESCRIBED FROM THE TOWN OF EAST KINGSTON AND TO ANNEX IT TO THE TOWN OF SOUTH HAMPTON.

[Approved December 6, 1824. Original Acts, vol. 28, p. 79; recorded Acts, vol. 22, p. 495.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that a certain part of the farm of Richard Fitz of East Kingston in the County of Rockingham, containing about two acres bounded westerly on land of John Pilsbury, northerly and easterly on a public highway and southerly on land of the said Richard Fitz be disannexed from the said town of East Kingston and annexed to the town of South Hampton in said County.

Sect. 2. And be it further enacted that the said Richard Fitz shall be liable to do the same duties and shall enjoy the same privileges as the other inhabitants of the said town of South Hampton, and shall be subjected to the payment of all taxes legally assessed on him in the aforesaid town of East Kingston prior to the passage of this act.—

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED

[Approved December 10, 1824. Original Acts, vol. 28, p. 80; recorded Acts, vol. 22, p. 499.]

Sec. 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Josiah Smith of Sandwich may assume the name of George Washington Smith and shall hereafter be called and known by that name.

Hiram Ellingwood of Lempster may assume the name of Hiram Clark and shall hereafter be called and known by that name; Stephen Abbot Buss of Dunstable may assume the name of Stephen Abbot, and shall hereafter be called and known by that name. Isaac McDuffee of Rochester, may assume the name of Isaac Springfield and his family, viz, his wife Sally, and his children, Drusilla and Isaac W. may severally assume the surname of Springfield, and shall hereafter be called and known by that name.

Nathaniel Leavitt of Lancaster may assume the name of Nathaniel Gilman and his family, consisting of Shared. Ansel. Ralph Erastus. Sophronia, Orpha, and Hannah, may severally assume the surname of Gilman and shall hereafter be called and known by that name.

Robert Hogg of Springfield may assume the name of Robert Church and his family, consisting of Robert, Huldah. Margary, Lucy, Horace, Daniel Erastus and Loranzo may severally assume the name of Church, and shall hereafter be called and known by that name

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO DISANNEX THE TOWN OF PELHAM FROM THE COUNTY OF ROCKINGHAM AND TO ANNEX THE SAME TO THE COUNTY OF HILLSBOROUGH

[Approved December 10, 1824. Original Acts, vol. 28, p. 81; recorded Acts, vol. 22, p. 500. Session Laws, 1824, Chap. 39. Repealed by act of January 2, 1829, *post.*]

Be it enacted by the Senate and House of Representatives in General Court convened: That the town of Pelham, now constituting a part of the County of Rockingham, be disannexed from said

County, and that said town be and hereby is annexed to and hereafter made a part of the County of Hillsborough:

Provided, that all county taxes now assessed, or ordered to be assessed upon said town as part of the County of Rockingham, shall be collected and paid into the treasury of said County

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ABRAHAM SHAW, ANDREW W. BELL, WILLIAM SHAW AND THEIR ASSOCIATES BY THE NAME OF THE PORTSMOUTH DISTILLERY AND CENTRAL WHARF COMPANY.

[Approved December 10, 1824. Original Acts, vol. 28, p. 82; recorded Acts, vol. 22, p. 501.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Abraham Shaw, Andrew W. Bell, William Shaw and their associates and those who may hereafter become associates in said corporation, their successors and assigns so long as they shall continue proprietors thereof shall be and are hereby created and made a corporation by the name of the Portsmouth Distillery and Central Wharf Company with power to manage and carry on the business of distillers and wharfingers and with all the rights and privileges incident to similar corporations; and by this name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by laws, ordinances and regulations as to them may appear necessary and convenient for the government of said corporation and the prudent management of their affairs; provided such by laws, ordinances and regulations shall in no wise be contrary to the laws and constitution of this State.

Sect. 2. And be it further enacted, that Abraham Shaw, Andrew W. Bell, and William Shaw or any two of them may call a meeting of said corporation by advertisement in the New Hampshire Gazette, to be holden at any suitable time and place after seven days from the first publication of said advertisement; and the proprietors by a vote of the majority of those present shall choose a clerk and at the same or any subsequent meeting may elect such other officers and establish such by laws, rules and regulations as may be required for the well ordering the affairs of said corporation, and may in conformity to the same make such assessments as may be

found necessary for accomplishing the object of this act, and the same may collect by the sale of the shares of delinquent proprietors. And at the meetings of said corporation all questions shall be determined by a majority of the votes of the proprietors present or represented, allowing one vote for each share, absent members to vote by proxy being authorized in writing.—

Sect. 3. And be it further enacted that the corporation aforesaid are hereby authorized to purchase and hold real and personal estate to an amount not exceeding twenty thousand dollars.

Sect. 4. And be it further enacted, that the said corporation shall not employ their corporate property for any other purposes than those, which usually come within the business of distillers and wharfingers.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST FIRE-ENGINE COMPANY IN WINCHESTER.

[Approved December 10, 1824. Original Acts, vol. 28, p. 83; recorded Acts, vol. 22, p. 504.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Abner Stearns, David Ball, Luther Gilson and Samuel Fairbanks, their associates and successors be and they hereby are incorporated and made a body politic by the name and style of the First Fire-Engine Company in Winchester and by that name may sue and be sued and prosecute and defend to final judgment and execution and be known and distinguished in all their acts and proceedings and they are hereby vested with all the powers and privileges and subjected to all the liabilities incident to corporations of a similar nature.

Sect. 2. And be it further enacted that said corporation be and hereby is authorized and empowered to purchase and hold real and personal estate for the purposes of their association to any amount not exceeding one thousand dollars and the same may sell convey and dispose of at pleasure.

Sect. 3. And be it further enacted, that Abner Stearns, David Ball, Luther Gilson or any two of them may call the first meeting of said company at any suitable time and place at Winchester in the county of Cheshire by giving to the members thereof at least three days personal notice of the time, place and design of said meeting, at which meeting the said members may do and transact any business necessary to carry into effect the purposes intended by this act.—

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE GRAFTON CANAL COMPANY.

[Approved December 10, 1824. Original Acts, vol. 28, p. 84; recorded Acts, vol. 22, p. 505. See act of July 7, 1827, *post.*]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that John McDuffee, Ezra Bartlett and Caleb Keith and their associates and successors forever, be, and are hereby incorporated and made a body corporate and politic by the name of the Grafton Canal Company and in and by that name may sue and be sued, implead and be impleaded to final Judgment and execution:—may have a common seal and the same alter at pleasure; may make such rules and by-laws, as are incident to Corporations, and not repugnant to the Laws of this State, which may be necessary and convenient for the government of said Corporation, may purchase, hold, and convey, as occasion may require real and personal estate, in fee-simple, to them and their successors forever, to any amount necessary to carry into complete effect, the object of said Corporation, not exceeding Five Hundred Thousand Dollars.

Sec 2 And be it further enacted that the said John McDuffee Ezra Bartlett and Caleb Keith, or any two of them, be authorised to call the first meeting of said Corporation, by advertising the object of said meeting and the time and place of holding the same in the New Hampshire Intelligencer, a paper printed in Haverhill in said state, or by written notifications posted up in the towns of Haverhill and Wentworth, thirty days before the day of holding said meeting:—at which time they shall choose a Clerk who shall be sworn to the faithful discharge of his duty, also such other officers as may be thought proper, all of which are to hold their offices during one year and until others are chosen, at which meeting they may agree on the method of warning their future meetings; divide the stock in any number of shares they may think best, determine the mode of transferring said shares and make assessments on the same, all votes to be counted by a majority, counting one vote for each share, and all absent members may vote by proxy, duly authorised in writing, whose name as such shall be entered on the Clerk's book

Sec 3. And be it further enacted that said proprietors be, and they hereby are authorised and empowered to construct erect, make and maintain canals, locks slips tow-paths and rail-ways necessary for the passage of boats rafts or any other thing, on or through any

of the waters or lands, or both and in any such place or places as they may deem best and most practicable for the purposes aforesaid, on the following rout between Pemigewasset River and Connecticut river beginning at the end of the grant of a Canal to Phinehas Walker and others, made from Winnipiseogee Lake through Squam Ponds to Pemigewasset River at Plymouth.—thence up Pemigewasset River and Bakers River through Wentworth to Connecticut River, where it may be most practicable for making said Canal and in such portions of said rout as the said Corporation may think expedient: that said Corporation may clear obstructions out of the present water courses so as to render them navigable for boats, rafts or any other thing also may purchase or take any clay, wood stone or any other articles contiguous to said Canal and necessary for making the same, securing to the owner or owners thereof his or their full compensation for the same, as is hereafter mentioned, Also said Corporation are hereby authorised to make use of Tarlton's Ponds, in Piermont otherwise called Eastmans Ponds as Reservoirs of water and to take water therefrom to fill the upper locks of said Canal; Also to turn streams of water contiguous to said Canal from their natural courses for the purpose of supplying said locks with water—said Corporation paying in all cases to any individual that may be injured thereby, his real damage to be ascertained, if not agreed on by the parties, by the Board of Commissioners, in this act hereafter constituted.

Sec 4 And be it further enacted that before the proprietors of said Corporation enter into any lands or take possession of any Stream or Ponds of water by vertue of this act, it shall be the duty of said Corporation to apply to the Judges of the Superior Court of this State, while in Session in the County of Grafton to appoint three disinterested persons as a Board of Commissioners to liquidate and adjust all claims for damages made upon said Corporation by any person or persons, whose property or rights may be infringed upon by said Corporation, in the prosecution of their purpose aforesaid, said Corporation are to give public notice of their design to apply to said Court, for the appointment of said Commissioners, by posting up a notice in writing, in the most public place in each town, through which said Canal may pass, at least thirty days before the sitting of said Court, and the Clerk of said Court shall make, a record of the names of the three Commissioners, appointed as aforesaid, and keep a record of the names of all Commissioners, thereafter appointed by said Court—any two of said Commissioners shall constitute a Quorum for transacting business, and said Commissioners shall hold their offices five years from the time of their appointment, or until said Canal is completed, unless sufficient cause shall be shown to said Court for their removal, or that any vacancy shall happen by any cause or means whatever of any one or all of said board of Commissioners, said Court shall make a new appointment.

and said persons last appointed shall hold their offices, for and during the time limited as aforesaid, subject to removal as aforesaid, said Commissioners after being duly sworn to the faithful discharge of their duty, and notifying the parties to appear may determine any sum in damages *ex parte*. and shall make an entry of their doings in a book to be kept for that purpose, which shall be open to inspection to both parties when requested. And in assessing the damages done to individuals by said Canal, the Commissioners shall take into review, the benefits as well as damages to any individuals and make regular entries of all their determinations and appraisals under this act in the Book before mentioned and said Corporation may tender the money so adjudged to the party injured and at any time after said tender, said Corporation shall have a right to enter into and take possession of said lands or other property necessary for the completion of said Canal and forever after to hold the same in fee-simple, and if the injured party shall choose not to accept the money so tendered, he may appeal from the determination of said Commissioners to the next term of said Superiour Court for the County of Grafton, by giving notice thereof in writing to the Clerk of said Corporation at any time within sixty days from the tender of said money—and the said Corporation shall have the right to appeal from the determination of said Commissioners within the time limited to the other party by giving due notice thereof.

Sec 5 And be it further enacted that when any part of said Canal is so far completed as, in the opinion of said Commissioners, the corporation shall be entitled to toll, the Commissioners shall have a right to examine the Books of said Corporation and report to the Superior Court, which shall have a right to fix such toll as to them shall appear to them, just, and at every year after make such additions to the rates of toll as said Corporations shall make additions to the work until the whole is completed, the place or places of paying toll shall be fixed by the Commissioners and the rates of toll by the Superiour Court and subject to alteration by said Court at all times when sufficient cause shall be shown, a record of the rates of said toll shall be kept, by the Clerk of the Superiour Court, which rates of toll said Corporation shall have a right to demand and receive, and it shall be the duty of said Corporation to provide necessary and proper attendance at said locks so that Boats &c be not unnecessarily detained in their passage

Sec 6 And be it further enacted, that if any road or public highway, is so located that said Canal cannot be judiciously laid out without interfering therewith the said Corporation may with the consent of the Commissioners, alter said road so as said Canal may be made on the best site of ground for that purpose, provided said Corporation shall put said road thus altered in as good repair as the old road was at the time of removing the same to the acceptance of said Commissioners. And said Corporation shall build and keep

in repair suitable Bridges over all Canals owned by said Corporation, in any place where the same may cross any high-way and such other Bridges over any such Canal for the accommodation of such persons through whose lands such Canal may pass at such place and of such dimensions as said Commissioners shall order and by writing direct

Sec 7 And be it further enacted that the Corporation shall keep an exact account of all their disbursements in relation to said locks and Canal and all other works connected therewith and of all their expenses which shall be stated and adjusted by said Commissioners and when said locks and Canal shall be completed, the Commissioners shall state the amount of the same, and of the entire expenses of said Corporation which shall include the whole amount of the Stock of said Corporation, and return the same to the Superior Court for the County of Grafton. And whenever the profits accruing to said Corporation shall exceed twelve *per cent.* over and above the annual expense of the improvements and repairs of said locks and Canal and the works connected therewith the said Court shall reduce the toll allowed so as the same shall not exceed twelve *per cent* annually on the amount of the capital stock.

Sec 8 And be it further enacted that said Corporation may make by-laws prescribing the mode of transferring the shares of said Corporation and selling the same on assessments not paid, Provided nevertheless that if any shares are owned by persons living out of this State and in any adjoining State, said shares shall not be sold until public notice is given that such shares are to be sold, by publishing the same in some newspaper printed in the State where said owner or owners live three weeks successively before said sale

Sec 9 And be it further enacted that if said Corporation do not make and complete five miles of said Canal within five years from the passing of this act, the same is to be nul and void and if the whole is not completed within ten years from the passing of this act said Corporation shall take no benefit of this act for any further distance than they shall have completed said locks and Canal

Sec 10. And be it further enacted, that this State shall have a right at any time before said Canal is completed to put in such sums of money as it may think proper, to be applied either in the purchasing of stock or reducing the toll.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE NASHUA MANUFACTURING COMPANY.

[Approved December 10, 1824. Original Acts, vol. 28, p. 85; recorded Acts, vol. 22, p. 513. The act referred to is dated June 18, 1823, *ante*, p. 188. See resolution dated June 24, 1859, Session Laws, 1859, Private Acts, Chap. 2316. See also acts of July 8, 1862, *id.*, 1862, Private Acts, Chap. 2683; March 13, 1895, *id.*, 1895, Chap. 224; February 17, 1917, Laws, 1917, Chap. 292, and February 10, 1919, *id.*, 1919, Chap. 249.]

Whereas the Nashua Manufacturing Company have petitioned for further powers and privileges by which they may make and render navigable the Nashua River by means of locks, dams, canals and towing paths from Merrimack river along the course of said Nashua river to the southerly boundary of this State—Therefore,

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the Nashua Manufacturing Company, their successors and assigns be and they hereby are authorized and empowered to build and construct a canal together with such locks and dams across said river and towing paths upon its banks as they may think necessary from Merrimack river in the town of Dunstable to the southerly boundary of this State along the course of Nashua river and to change the course of the waters of said Nashua river whenever needed, and to make artificial channels or canals from one portion of said Nashua river to another whenever they may judge it expedient so to do—Provided nevertheless that said Company shall not in the prosecution of the foregoing objects take the water in such way or manner as to impede the operation of any mill as now used or injure any mill site as now occupied.

Sect. 2: And be it further enacted, that in all cases when any person shall be damaged in his property by the said company for the purposes aforesaid in manner as is above expressed, and the company aforesaid do not within twenty days after being requested thereto make or tender reasonable compensation to the acceptance of the person so damaged by them as aforesaid; the person so damaged may apply by petition to the Superior Court of Judicature sitting in the County where said injury shall happen to have the damages by him sustained as aforesaid estimated and adjudged to him; and in such petition he shall distinctly set out his title, and the injury of which he complains; and said court after reasonable notice given shall appoint a committee for said purpose, and the committee after giving due notice to all parties interested shall view the premises and estimate the damages, and their report being returned

to said Court sitting in said county and judgment rendered thereon by said Court shall be final, and execution shall issue accordingly, or in case the party so injured shall elect, the court may direct an issue to the jury to try the truth of the facts so alleged and complained of; and the Jury upon such hearing shall assess and fix the damages, and judgment being rendered upon such verdict shall be final and conclusive between the parties and execution shall issue accordingly. And upon all applications for the purposes aforesaid the Court may allow costs to either party as they may think just and proper:—Provided nevertheless, that if any judgment rendered as aforesaid shall not be satisfied or tender thereof made with interest within sixty days after demand made upon the clerk, treasurer or authorized agent of said company the party so injured may, commence and sustain an action of trespass against any individual or individuals so committing the acts aforesaid, said judgment to the contrary notwithstanding.

Sect. 3. And be it further enacted that said company be and they hereby are authorized and empowered to take, purchase and hold to them and their successors and assigns forever so much land and real estate as they may deem necessary for the purposes aforesaid not exceeding the value of fifteen thousand dollars.

Sect. 4. And be it further enacted, that said company shall have power to make and ordain such by laws, rules and regulations as they shall from time to time find expedient and proper for regulating said canal and for the protection and security of the same, provided such by-laws, rules & regulations are not repugnant to the constitution and laws of this State; which bylaws, rules and regulations may be extended to the form and dimensions of the boats, floats and rafts to be used and moved thereon, and for regulating such landing places on said Canal as they shall establish thereon; provided the penalty for any one offence by such bylaws established shall not exceed the sum of ten dollars to be sued for and recovered by the treasurer of said company to the use of said company by an action of the case before any Justice of the peace or any court proper to try the same, copies of which bylaws shall be printed and posted up at each set of locks on said canal, and shall be so kept up excepting when they or any of them shall be removed by accident or taken down wantonly or maliciously. And when any person shall wantonly or maliciously injure or take down such printed copy of the by laws they shall be liable to pay a sum not exceeding ten Dollars to be recovered in manner and for the use aforesaid—

Sect. 5. And be it further enacted, that for the purpose of reimbursing said company the monies by them expended in building, supporting and repairing the dams, locks canals, bridges, towing paths and clearing the passages necessary for rendering the waters of the Nashua River navigable, a toll be and hereby is granted and

established for the sole benefit of the said Nashua Manufacturing Company forever according to the following rate, to wit, for the passage of any lock ten cents per ton in weight which shall pass the same; and for every mile of canal or navigable waters five cents per mile, and in this proportion according to the landing places which may be established thereon: which toll shall be paid before the boat, float or raft shall enter or proceed on the same canal. And whenever any portion of said canal shall be made passable the toll shall be paid on that portion in manner as aforesaid— And if at the end of five years the whole route of said canal shall not then be made navigable this act so far as regards the whole route shall be void: but shall remain forever in force as to that portion of the canal and navigable waters which may within that time be made navigable—

Sect. 6. And be it further enacted that after the expiration of eight years from the passing of this act, said company if required by order of the Legislature, shall exhibit to the Justices of the Superior Court of Judicature sitting in the County of Hillsborough a statement of the monies by said Company expended in the prosecution of the objects aforesaid: and of the tolls by them received by virtue of this act. And if upon examination it shall appear that said Company have received more than after the rate of eight per centum per annum during the whole preceding time upon the monies by them so expended as aforesaid: the said Court may from time to time so reduce said tolls that said Company shall not receive more than after the rate of eight per centum per annum upon the monies so by them expended as aforesaid—

Provided nevertheless that nothing in this act contained shall be so construed as to restrain or prevent the Legislature of this State from establishing ferries or authorizing and causing to be erected bridges across said river at such places as they may deem expedient—

[CHAPTER 15.]

State of)
New Hampshire.)

AN ACT INCORPORATING THE CONNECTICUT RIVER COMPANY.

[Approved December 13, 1824. Original Acts, vol. 28, p. 86; recorded Acts, vol. 22, p. 517. See acts relative to navigation of Connecticut river dated July 7, 1826, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Adam Duncan, John Holbrook, John L. Wood, Abner Forbes, together with David Porter, Aaron Dean, Ebenezer Carlton, Richard Gookin, and Roger

Vose, and their associates and successors forever, be and hereby are constituted a body politic and corporate by the name of 'The Connecticut River Company,' for the purpose of improving the navigation of Connecticut River; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in all suits and actions, and in all courts of law and equity whatsoever; may purchase, hold and convey, as occasion may require, real and personal estate, in fee simple, to them and their successors forever, to any amount necessary to carry into complete effect the objects of said Corporation, not exceeding five hundred thousand dollars; may have and use a common seal, and the same alter and change at pleasure; and shall have and enjoy all the powers and privileges incident to corporations, and necessary to carry into complete effect the object of said Corporation.

Sec. 2. And be it further enacted, That Roger Vose, John Holbrook and Aaron Dean aforesaid, or either two of them, be authorized to call the first meeting of said Corporation, to be holden at such time and place as they shall appoint, at any time within one year from the passing hereof, for the purpose of choosing such officers as may be deemed necessary for the well conducting the business of said Corporation, by publishing a notification thereof, three weeks successively in a newspaper printed in Windsor, Vermont, and in the New-Hampshire Patriot, the last publication of which to be twelve days before the day of such meeting; and may at such meeting, and at all other meetings legally notified for the purpose, make, repeal, and alter all such by-laws, rules and regulations, as may be thought necessary for the due regulation and management of said Corporation, not repugnant to the laws of this State.

Sec. 3. And be it further enacted, That for the well ordering the affairs of said Corporation, there shall be elected annually a President, and such number of Directors and other officers, and with such powers as said Corporation by their by-laws shall direct, who shall hold their offices one year and until others be appointed in their place; and all questions which occur in the meetings of said Corporation, shall be determined by a majority of the votes of the members present and those represented by attorney, one vote for each share, and all the meetings of said Corporation shall be notified and holden at such time and place, and in such manner as shall be directed by their by-laws.

Sec. 4. And be it further enacted, That said Corporation by their Directors, or otherwise, may make and order the payment of such assessments upon the shares of the Proprietors as shall be necessary for carrying into effect the objects of this act, and shall give public notice thereof in such manner as said Corporation by their by-laws shall direct; and in case any Proprietor shall neglect or refuse the payment thereof for more than ninety days after such

assessment shall have become payable, so many of his shares as shall be necessary to raise the amount of such assessment, may be sold at public auction, after having given such notice thereof, as the by-laws of said Corporation shall direct; and the balance, after discharging such assessment, shall be paid to such delinquent Proprietor within ten days after he shall have demanded the same of the Treasurer, or the Clerk of said Corporation for the time being.

Sec. 5. And be it further enacted, That the said Porter, Vose, Holbrook, Duncan, Dean, Forbes, Carlton, Gookin and Wood, or a majority of them, shall, at such time or times, place or places, as they shall judge expedient, open subscriptions for the shares of said Corporation on such terms and conditions, and to such number and amount as they shall judge necessary, and shall give such reasonable and previous notice thereof as they shall deem expedient, and they or a majority of them are authorized to settle the stock of said Corporation.

Sec. 6. And be it further enacted, That there shall be a board of Commissioners, consisting of three persons, who shall not be interested in said Corporation, and who shall be sworn to the faithful discharge of their trust; under whose licence and direction all improvements in the navigation of said River shall be laid out; and who shall from time to time regulate and fix the tolls to be taken by said Corporation; and appoint a Clerk, whose duty it shall be to make a record of all their proceedings, and annually, on the first Wednesday of June, to lay before the Governor and Council a copy thereof; and such Commissioners and Clerk shall be paid by said Corporation a reasonable compensation for their services, to be prescribed by the Superior Court of Judicature.

Sec. 7. And be it further enacted, That said Corporation, for the purpose of widening, straightening and deepening the channel of said River, and improving the navigation thereof, shall have power under the licence and direction of the Commissioners in writing given, and not otherwise, to enter upon the bed and banks of said River, and upon the lands adjacent thereto, and to dig, cleanse and remove obstructions from the channel, bars and banks of said River, and to construct locks, canals, dams, railways and tow-paths at any of the falls, bars, or other places on said River; and shall have a right in common with others, to procure, own and use Steamboats for aiding the commerce on said River.

Sec. 8. And be it further enacted, That said Corporation may enter into and take possession of so much of the waters and banks of said River, and of the lands adjacent thereto, as the Commissioners shall deem necessary for carrying into effect the objects of this act, and by their written licence shall designate; and in case any of the waters, banks, or land, so taken, shall belong to any individual or individuals, and the parties do not agree, the Commissioners, taking into view the benefit as well as damage, shall liqui-

date and assess the damages, and the property, so taken, shall be the property of said Corporation forever; and in case any damage shall accrue to any person or persons in consequence of any act done by said Corporation, under the licence of said Commissioners, the damages shall in like manner be assessed by said Commissioners: Provided, that when any application shall be made to the Commissioners for the assessment of any damages, they shall give the parties reasonable notice thereof; and it shall be the duty of the Clerk of said Commissioners, within thirty days after any such assessment is made, to deliver to the Clerk of said Corporation, and to the adverse party, or to his agent or attorney, a certified copy of such assessment, or in case of the absence of the adverse party, to give such notice as the Commissioners shall direct.

Sec. 9. And be it further enacted, That whenever said Corporation, or any person interested, shall feel aggrieved by any assessment of damages made by the Commissioners, the party aggrieved may, within thirty days after notice of such assessment, given as is provided in the preceding section, appeal to the Superior Court of Judicature next to be holden in the county where such property lies, who shall finally decide thereon, and may tax costs for or against either or neither party, as they in their discretion shall judge reasonable: Provided that either party shall be entitled to a trial by jury; and provided also, the said Corporation, before entering into, or taking possession of such property, shall pay or tender to the person or persons entitled, the damages finally assessed.

Sec. 10. And be it further enacted, That the mill seats and water privileges created or prepared for use by the construction of the dams, locks and canals, or other works of said Company, in improving the navigation of said River, shall belong to said Corporation, and may be by them sold; in which case the avails thereof shall be appropriated to reduce the capital stock, or may be leased, in which case the net proceeds shall be considered as toll, and as such divided among the proprietors.

Sec. 11. And be it further enacted, That said Corporation shall not be authorized to make any improvement in the navigation of said River, which shall not have been assented to and licensed by the Commissioners in writing, and commenced within five years after the passing of this act.

Sec. 12. And be it further enacted, That whenever said Corporation shall have constructed the improvements in the navigation of said River contemplated in this act, or any portion thereof, to the satisfaction of the Commissioners, they shall have power from time to time, as such improvements shall be made, to establish and fix the rates of toll for said Corporation, and to designate the places where the same shall be received; which shall be published yearly in the papers aforesaid; and said Corporation shall receive no greater tolls than are established by the Commissioners.

Sec. 13. And be it further enacted, That said Corporation shall keep an exact account of all their disbursements in relation to said locks and canals, and all other works connected therewith, and of all their expenses, which shall be stated and adjusted by the commissioners; and when said locks, canals and improvements shall be completed, the Commissioners shall state the amount of the same, and of the entire expenses of said Corporation, which shall include the whole amount of the stock of said Corporation, and return the same to the Superior Court of Judicature. And whenever the profits of said Corporation shall exceed eight per cent over and above the annual expenses of improvements on said River and the repairs of the said locks, canals and works connected therewith, the Commissioners shall reduce the toll allowed, so as the same shall not exceed eight per cent, annually, on the amount of the capital stock, or may direct that the excess above eight per cent be applied to further improvements of the navigation, or to the reduction of the capital stock of said Corporation.

Sec. 14. And be it further enacted, That said Corporation shall build and keep in repair suitable and convenient bridges over their canals in any place where the same may cross any highway, and such other bridges over such canals for the accommodation of persons, through whose land such canals may pass, at such places and of such dimensions as the Commissioners shall order and in writing direct.

Sec. 15. And be it further enacted, That said Corporation shall not in any way interfere with, or infringe upon the rights and privileges of any Company heretofore incorporated by this State; but they shall continue in the full enjoyment thereof in the same manner as heretofore; nor shall any act or acts now in force, relating to any Company heretofore incorporated be impaired or invalidated by this act; nor shall any thing in this act be construed to give to this Corporation any right granted to any person or Corporation in case a forfeiture of the grant to such person or Corporation should hereafter be taken.

Sec. 16. And be it further enacted, That George B. Upham, Ezra Bartlett and Josiah Bellows, 3rd be, and they hereby are appointed Commissioners with full powers to do and perform all and singular the acts and things required of them by this act (a majority of whom shall constitute a quorum for the transaction of business) who shall hold their offices for the term of five years, unless removed; and after the expiration of said term, the Commissioners shall be annually appointed by the Governor and Council; and the Governor and Council may at pleasure remove any of said Commissioners, and supply any vacancy that may happen in said Board.

Sec. 17. And be it further enacted, That this act shall be taken and deemed to be a public act; and that the shares of said Corpo-

ration shall be personal estate, and may be transferred in such manner as said Corporation may by their by-laws direct. Provided nevertheless, that nothing in this act contained shall be so construed as to restrain or prevent the Legislature of this State from establishing ferries, or authorizing and causing to be erected bridges across said River at such places as they may deem expedient.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF HAMPTON CANAL

[Approved December 15, 1824. Original Acts, vol. 28, p. 87; recorded Acts, vol. 22, p. 524.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened: That David Nudd, James Leavitt, Edmund Toppan John M. Seward, Ebenezer Lawrence and Daniel Towle, their associates and successors, be and they hereby are incorporated and made a body politick and corporate forever by the name of the proprietors of Hampton Canal and in that name may sue and be sued, prosecute and defend to final Judgment and Execution, and are hereby vested with all the powers and privileges, and subject to all the liabilities incident to corporations of a similar nature.

Sec 2 And be it further enacted: That said Proprietors may cut and open a Canal from Hampton river near Nudd's wharf, by the Hampton publick landing, in a southerly direction through the salt-marsh to Brown's river, near the place where it empties into Hampton river, and may make said Canal of sufficient width and depth for the passage of boats and vessels employed on the Hampton river; and they may purchase or receive by donation in their corporate capacity, real estate and hold the same in fee-simple, and exchange, sell and convey the same, as they may think proper, not exceeding four rods in width on each side of said Canal, of marsh, whereon to make paths for towing boats and vessels on the Canal and of upland for the use of the Corporation, not exceeding five acres; and said Canal and towing paths may keep open and in repair for the passage of boats and vessels free from toll; unless after the Canal shall have been completed in every respect; such repairs thereon should be made as to render a tempory toll necessary, in which case the Justices of the Superior Court of Judicature on application made to them by the Proprietors, and proof of the amount of expenses incurred by them in making repairs, may establish such tolls on said Canal, and for such time as they may judge proper; and the

tolls so established the said Proprietors shall cause to be published in two newspapers printed in the County of Rockingham, three weeks successively, before any such tolls shall be demanded and become payable

Sec 3 And be it further enacted; That said Proprietors shall build and keep in repair a swing or draw-bridge over said Canal of such construction as the Selectmen of Hampton may prescribe to enable the owners of marsh to pass, at all times when said Selectmen may deem it necessary, with their teams to take off their hay and grass; and said bridge shall at all times be subject to the regulations and under the control of said Selectmen. And if any damage or injury shall happen at any time, on account of the insufficiency of said bridge to any person having occasion to use the same, he shall recover against any one of the Proprietors three times the amount of the actual damage or injury sustained, by an action on the case in any Court of competent jurisdiction: Provided the Corporation shall neglect for the space of sixty day's to make adequate compensation for the damage so sustained, or tender thereof after notice given to the Corporation of the sum demanded

Sec 4 And be it further enacted, That said Proprietors may construct a dam or dams on the Hampton river in such places as they may think proper, to raise the water so as to supply and fill said Canal, not however to obstruct or prevent the usual navigation of said river

Sec 5 And be it further enacted that the said David Nudd, James Leavitt and Edmund Toppan or any two of them may call the first meeting of said Proprietors by giving fifteen days publick notice of the time and place of holding said meeting by posting a notification thereof at the meeting house in Hampton, or by giving personal notice thereof to each proprietor ten days at least before said meeting: At which first meeting or at any adjournment thereof the said Proprietors shall elect a Clerk, who shall be sworn to the faithful performance of his duty, to record this act and all the proceedings and doings of said Corporation in a book or books to be kept for the purpose; and may choose such other officers as they may deem proper; and prescribe their respective duties; divide their corporate property into such number of shares as may be thought expedient: determine on the manner of conveying the same; pass by-laws and transact all other necessary business.

Sec 7 And be it further enacted; That if the owner or owners of marsh (through which the said Canal may be made, or of upland required by the said Proprietors under this act for the purposes herein mentioned) and the said Proprietors cannot agree on the price or compensation therefor, application may be made by either party to the Justices of the Superior Court of Judicature, next to be holden in the County of Rockingham, after giving fifteen days notice in writing of such application to the adverse party, and the

said Justices shall appoint three disinterested persons, inhabitants of said County, to view the premises, hear the parties, and to fix the price or compensation, to be given by the said proprietors, considering the benefits to be derived from, as well as the damage or injury to be sustained by the making of said Canal; and the award of the persons so appointed or of any two of them made in writing and returned to said Superiour Court of Judicature, at the term of said Court for the County of Rockingham next after the making of the award shall be final and conclusive between the parties; and the said Court may give judgment thereon and issue execution for the sum awarded and such costs as they may deem reasonable. Provided however that the said Proprietors may, at any time previous to the appointment of the persons as is herein provided, make a tender of such sum as they may think an adequate compensation for the land taken and damage sustained, to the adverse party and if the sum so tendered shall, by the persons appointed as aforesaid, be deemed sufficient, the said Court may in such case give costs to said Corporation.

Sec 8 And be it further enacted, That if any owner of marsh shall sustain damage in consequence of the making of the said Canal and cannot agree with said Proprietors on the amount of compensation for such damage, in such case, application may be made to the Superior Court of Judicature in like manner, and the same course of proceeding shall be pursued in relation to such damage as is prescribed in the preceding section of this act for fixing the price or compensation to be given by said proprietors for marsh or upland required for said Canal; and subject to the provision therein mentioned

Sec 9 And be it further enacted That said Corporation shall, within two years from the passing hereof complete said Canal, and thereafter keep the same in repair and shall permit all persons wishing to use the same to pass therein free of toll, excepting in the case mentioned in the second section of this act.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING THE PROBATE COURT WITHIN AND FOR THE COUNTY OF ROCKINGHAM

[Approved December 15, 1824. Original Acts, vol. 28, p. 88; recorded Acts, vol. 22, p. 528. Session Laws, 1824, Chap. 47. See also acts of June 28, 1818, Laws of New Hampshire, vol. 8, p. 689; June 29, 1819, id., p. 811; July 6, 1826, *post*; July 5, 1827, *post*; June 16, 1831, Session Laws, 1831, Chap. 24; June 23, 1832, id., 1832, Chap. 82, and July 2, 1833, id., 1833, Chap. 120.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, That the Probate Court within and for the County of Rockingham shall hereafter be holden at the following times and places in said County At Londonderry on the first Tuesday of January and on the first Tuesday of May, and on the first Tuesday of September. At Deerfield on the Wednesday following the first Tuesday of January and on the Wednesday following the first Tuesday of May and on the Wednesday following the first Tuesday of September At Portsmouth on the second Tuesday of January and on the second Tuesday of May and on the second Tuesday of September. At Exeter on the Thursday following the second Tuesday of January and on the Thursday following the second Tuesday of May and on the Thursday following the second Tuesday of September—

Sec 2 And be it further enacted, That such part or parts of all acts and resolves as direct the Probate Court for the County of Rockingham to be held at other times and places than are hereby appointed be, and the same are hereby repealed.

Provided however that said Court may be holden at such other times and places in said County as the Judge of Probate may appoint

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT FOR THE RELIEF OF THE TWENTY FOURTH REGIMENT OF MILITIA

[Approved December 15, 1824. Original Acts, vol. 28, p. 89; recorded Acts, vol. 22, p. 529. Session Laws, 1824, Chap. 48. Repealed January 2, 1829, *post*.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that the twenty fourth regiment

of Militia in this State shall turn out for inspection and review once in two years and no more, the first muster whereof shall be between the first day of September and the fifteenth day of October eighteen hundred and twenty six and in all other respects the said regiment shall be subject to the laws now in force so far as the same are consistent with this act

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE CHESHIRE AGRICULTURAL SOCIETY"

[Approved December 15, 1824. Original Acts, vol. 28, p. 90; recorded Acts, vol. 22, p. 530. The act referred to is probably dated June 20, 1816, Laws of New Hampshire, vol. 8, p. 473. See also act of December 21, 1820, *id.*, p. 941.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that the Cheshire Agricultural Society be, and they are hereby, empowered at any meeting duly holden in pursuance of the provisions of the Charter and by-laws of said Society, to establish their annual meetings and exhibitions permanently at such place or places, within the County of Cheshire as to said Society may seem expedient.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PISCATAQUA FISHING COMPANY

[Approved December 15, 1824. Original Acts, vol. 28, p. 91; recorded Acts, vol. 22, p. 531.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that William Neal, William Bray and their associates their successors and assigns be and they hereby are created a body politic and corporate by the name of the Piscataqua Fishing Company for the purpose of carrying on the fisheries and engaging in trade and navigation from Piscataqua river; and that they have all the powers, and be subject to all the liabilities of corporations of a similar nature—

Sec 2. And be it further enacted, that said Company may employ a capital in said business, not exceeding Fifty thousand Dollars; and in addition thereto may hold a warf, stores, yard for fish-flakes, or other real estate necessary for their said business, not exceeding in the whole, the value of Twenty thousand Dollars.

Sec 3 And be it further enacted that said William Neal, may call the first meeting of said Company, by advertising the same in the Portsmouth Journal for three weeks successively

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT GIVING LIBERTY TO PLEAD THE GENERAL ISSUE IN CERTAIN CASES, ALSO RESPECTING AMENDMENTS OF WRITS ON REVIEW.

[Approved December 16, 1824. Original Acts, vol. 28, p. 92; recorded Acts, vol. 22, p. 532. Session Laws, 1824, Chap. 51. See also act of July 2, 1831, id., 1831, Chap. 48.]

SECT. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that in all actions now pending or that may hereafter be pending in any court in this State, wherein the defence intended to be set up by the defendant is or may be that he was a Justice of the peace, sheriff, deputy sheriff, coroner, town, district, precinct or parish officer, or some other officer civil or military, and that the act or thing for which he is or may be sued is or may be any act or thing done by him by virtue or in the execution of his office, the defendant may plead the general issue and give the special matter in evidence, upon filing in the cause a brief statement of such special matter of defence, within such time as the court shall order, of which statement the plaintiff shall be entitled to a copy or the defendant may plead specially at his election.—

SECT. 2. And be it further enacted, that in any action or review pending in any court in this State, the Justices thereof shall have power to order any amendment of the original writ, record or proceedings in any part thereof, upon such terms and conditions as they may consider just and reasonable, any law to the contrary notwithstanding.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT TO PRESERVE THE EVIDENCE OF TITLES TO LAND SOLD BY SHERIFFS FOR STATE AND COUNTY TAXES

[Approved December 16, 1824. Original Acts, vol. 28, p. 93; recorded Acts, vol. 22, p. 533. Session Laws, 1824, Chap. 52. Laws, 1830 ed., p. 572. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened; That the lists returned by the Receiver of nonresident taxes and other papers containing evidence of the proceedings of any former, present or future Sheriff of any County in this State relating to sales of land by him as Sheriff for State and County taxes, be deposited in the office of the Clerk of the Superiour Court of Judicature for the County in which the land sold is situated, or in which it was situated at the time of the Sale, and it shall be the duty of the said Clerk to receive and preserve the same and to make and certify copies thereof as of other papers on file in said office—

Sec 2^d And be it further enacted that copies of and extracts from, the said papers duly certified by the Clerk of said Court, may be used as evidence in courts of law in all cases in which the originals might be used, and shall have the same force and effect that the originals would have, if used as evidence in the same cases.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A TOWN BY THE NAME OF MILAN—

[Approved December 16, 1824. Original Acts, vol. 28, p. 94; recorded Acts, vol. 22, p. 535. Session Laws, 1824, Chap. 53.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the tract of land granted and known by the name of Paulsburgh, situated in the County of Coos, shall hereafter be called and known by the name of Milan, and shall be a Town by that name.

Sec. 2. And be it further enacted that the inhabitants of said Township, be and they hereby are made a body corporate and politic, with all and the same rights, powers privileges immunities and liabilities of similar corporations in this state and that said

Town shall be classed with the towns of Northumberland Stratford and Piercy for electing a representative until otherwise ordered by the Legislature

Sec 3 And be it further enacted that for the purpose of duly organising said Town a meeting of the inhabitants thereof legally qualified to vote in town affairs shall be holden in said town on the first Tuesday of February next at which meeting Selectmen and other necessary officers may be elected, to continue in office until others are chosen agreeably to the laws of this State, and that Cyrus Twitchel, Abner Hinds and Isaac Hanes or any two of them be authorised to call the first meeting of said inhabitants by giving the same notice as is by law required for annual town meetings

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CLEMENT STORER AND OTHERS, HIS ASSOCIATES WITH THE EXCLUSIVE RIGHT AND PRIVILEGE OF CUTTING A CANAL, AND CONSTRUCTING LOCKS, SLIPS AND RAIL WAYS FROM WINNIPISEOGEE LAKE TO PISCATAQUA RIVER

[Approved December 16, 1824. Original Acts, vol. 28, p. 95; recorded Acts, vol. 22, p. 536. See acts of June 18, 1811, Laws of New Hampshire, vol. 8, p. 21; June 21, 1817, id., p. 629; July 1, 1825, *post*, and July 7, 1827, *post*.]

Whereas the opening a communication, by water from Winnipiseogee Lake to that branch of the Piscataqua called the Cocheco River by means of locks canals, slips and rail ways, would be of great public utility; Therefore,

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that Clement Storer, George Sullivan, Edward Cutts, James Sheafe, John N. Sherburn, Nathan B. Folsom, Elijah Hall Elisha Whidden Charles Coffin, Samuel Hale, Joshua W. Pierce, Isaac Waldron, Benjamin Penhallow Timothy Upham, George Long, John K. Pickering, John Ball John Williams, Asa Freeman, James Bartlett, Robert Rogers, Joseph Smith, William Flagg, Nathaniel W. Ela, Jesse Varney, John Wheeler Eri Perkins, Barnabas H. Palmer, John B. H. Odiorne, Jacob M. Currier, Isaac Wendell, Joseph Doe, Samuel W. Carr, David Barker, William Barker, Nehemiah Eastman, Jeremiah Wingate Reuben Hayes Samuel Willey, Richard Russel Jonathan C. Everett, John Towle John H. Moulton John Coe Ezekiel Hayes with those who are or shall become proprietors with them, in the privileges aforesaid, so long as they shall continue proprietors thereof, shall

be a corporation and body politic under the name of "The Proprietors of Winnipiseogee Canal" and in that name, may sue and prosecute be sued and prosecuted to final Judgment and execution; and shall be and hereby are invested with all the privileges and powers, and subjected to all the liabilities, which by law are incident to Corporations of a similar nature

Sec 2 And be it further enacted; That said proprietors shall at any meeting, duly notified and holden as they shall agree, have power to make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation for carrying into effect the purposes aforesaid and for collecting the toll herein after granted; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, provided such rules and by laws are not repugnant to the laws and constitution of this State And all representations at any meeting of said Corporation shall be proved in writing, signed by the person said to be represented, which shall be filed with the Clerk, who shall be elected by said proprietors; and this act, and all rules by-laws, regulations and proceedings of said Corporation, shall be fairly and truly recorded by said Clerk in a book, or books to be by him provided and kept for that purpose.

Sec 3 And be it further enacted, that the proprietors aforesaid, be, and they are hereby authorized and permitted to cut a Canal, construct, rail-ways and towing-paths and locke all the falls between the waters of Winnipiseogee Lake in the County of Strafford and that branch of Piscataqua river called Cocheco river below the landing so called in Dover in such route and direction as in their judgment shall be most eligible for the purpose aforesaid

Sec 4 And be it further enacted, that the proprietors aforesaid be and they hereby are authorized to purchase any lands contiguous to said Canal and hold the same in fee-simple; and any share or shares of any individual may be transferred by deed duly executed acknowledged and recorded by the Clerk of said proprietors on their records

Sec 5 And be it further enacted that if the said proprietors, and owners of land through and upon which said Canal may be cut, and said locks and slips may be constructed, shall disagree on the compensation to be made for the land necessary to be appropriated for that purpose and shall not agree in appointing persons to ascertain such compensation, the Justices of the Superior Court of Judicature upon the application of the owners of the land or proprietors aforesaid fifteen days notice in writing of such application having been first given to the adverse party, shall appoint a Committee who shall ascertain the same, in the same way that compensation is made to the owners of land for highways, as usually laid out provided nevertheless, that it shall not be lawful for said proprietors to open

said Canal, and erect Locks and slips as aforesaid, until the damages which may be done to the owner or owners of land through and over which the same is to be opened and erected, is ascertained, and actually paid or tender thereof made

Sec 6 And be it further enacted that for the purpose of reimbursing the proprietors aforesaid for cutting said Canal and locking the same, a toll be, and hereby is granted for all goods, wares, merchandize and lumber that may be transported through said Canal from the waters of the Winnipiseogee Lake to that branch of the Piscataqua called Cocheco river, below the landing so called in Dover and also from said Cocheco river to said Winnipiseogee Lake, and for any intermediate distance, between the aforesaid Lake and River at such rates as may be established by the Superiour Court on application to them by the proprietors aforesaid after the said Canal or any part thereof shall have been made navigable.

Sec 7. And be it further enacted that for the collection of the toll established as aforesaid, as well as for the purpose of assisting in the conducting of Boats Lumber and other articles through the several Locks and slips pertaining to said Canal, there shall constantly be in readiness at said Locks and slips or such of them as shall be necessary, a proper person or persons who shall always attend his or their duty therein during the season in which said Canal shall be in use, provided that if said work shall not have been commenced, and the sum of Five Thousand Dollars actually expended thereon within five years from the passing of this act, then the same and every part thereof shall be void; provided also that if said Canal is not finished or so far completed, as to convey and reconvey any and every article, proper to be transported through the same, within twelve years from the passing of this act the same shall be considered void, except as to such part of said Canal as shall have been completed and rendered passable.

Sec 8 And be it further enacted; That Clement Storer Joseph Smith and David Barker or either two of them may call the first meeting of said Corporation by publishing the same in the New-Hampshire Republican printed at Dover, and in the Portsmouth Journal, printed at Portsmouth, three weeks successively the last publication to be four weeks prior to said day of meeting

Sec 9 And be it further enacted that this act shall be, and hereby is declared to be a public law, and as such shall be given in evidence in all cases whatever.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE NEW IPSWICH MILL COMPANY.

[Approved December 16, 1824. Original Acts, vol. 28, p. 96; recorded Acts, vol. 22, p. 540.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; That Charles Barrett Henry Isaacs Ephraim H. Farrar their associates and successors, be and they hereby are incorporated and made a body-politic by the name of the New-Ipswich Mill Company; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be so called and known in all cases whatever, and they are hereby vested with the powers and privileges which are incident to corporations of a similar nature

Sec 2 And be it further enacted, That said Company be and hereby is authorized and empowered to establish and carry on the manufacture of starch, paper carding of wool, the grinding of grain and such other business, as may be necessarily and conveniently connected therewith, at New Ipswich in the County of Hillsborough; and may erect and maintain all such mills, dams buildings and machinery as may be requisite for these purposes

Sec 3 And be it further enacted that said Company may purchase and hold such real and personal estate as may necessary or useful in conducting the manufactures and business aforesaid and for the convenient management thereof upon the present, or a more enlarged scale not exceeding in amount the sum of Twenty Thousand Dollars and the same may sell, alienate and dispose of at pleasure—

Sec 4 And be it further enacted That any two of the persons above named may call the first meeting of said Company to be holden at any suitable time and place, by advertisement posted at any two public places in said New-Ipswich, at least fifteen days prior thereto, or by giving at least seven days personal notice of the time place and design of said meeting. At which the members of said Company may agree on the manner of calling their future meetings; and at the same or at any subsequent meeting, duly notified and holden, they may choose a clerk and all other necessary officers, for conducting the concerns of said Company; may divide their capital or joint stock into such number of shares as they may think proper, and agree on the method of transferring them, may order assessments and fix the time of their payment, may pass-by laws not repugnant to the laws of the State for their regulations

and government, and do and transact any business necessary for carrying into effect the purposes of their association.

All questions shall be determined by a majority of votes present or represented at any meeting, allowing one vote to each share in all cases, except the raising of money, which shall require three fourths of the whole number of votes present or represented and absent members may vote by proxy, being authorized in writing and signed by the person represented and filed with the clerk

Sec 5 And be it further enacted, That the share or shares in said Company shall be liable and holden for the payment of all assessments duly made thereon; and upon the non-payment thereof within the time fixed for their payment the said share or shares may be sold at public auction or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as said Company, may, in its, by-laws prescribe—

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT GRANTING TO PHINEHAS WALKER AND OTHERS THE EXCLUSIVE RIGHT OF BUILDING AND KEEPING A TOLL-BRIDGE ACROSS THE RIVER BETWEEN HOLDERNESS AND PLYMOUTH, AND TO INCORPORATE THEM BY THE NAME OF THE PROPRIETORS OF PONT FAYETTE.

[Approved December 16, 1824. Original Acts, vol. 28, p. 97; recorded Acts, vol. 22, p. 543. See additional act of July 6, 1826, *post.*]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is granted to Phinehas Walker, Josiah Quincy, William Webster, Arthur Livermore, Nathaniel Peabody Rogers, their associates and successors the exclusive right of building, repairing, rebuilding and keeping a tollbridge across the river between Holderness and Plymouth where Cochran's ferry, so called, is now kept and any where within a mile of the present ferry house, and the rights of the grantee of said ferry and of his heirs and assigns in relation to the same shall be suspended during all the time said bridge is passable and shall revert to said grantee, his heirs and assigns when the said bridge is not passable according to the provisions of an act entitled "an act granting to Edward St. Loe Livermore the right of keeping a ferry", approved June 19. AD. 1804.—

Sect. 2. And be it further enacted, that the property or estate of such bridge as shall be built pursuant to this act shall consist of thirty shares and no more, and the proprietors which shall from time to time be of said shares shall be a corporation by the style of "the

Proprietors of Pont Fayette" for the purposes of building, repairing, rebuilding and keeping said bridge and of demanding and taking the tolls in and by this act granted and as a body politic shall have all the rights and be subject to the several duties incident to similar corporations in this State.

Sect. 3. And be it further enacted, that the first meeting of said proprietors shall be at the house of Colonel William Webster in Plymouth aforesaid on the twenty fifth day of March next at ten of the clock in the forenoon. And each proprietor shall be entitled in all cases to a number of votes equal to the number of shares he shall possess.

Sect. 4. And be it further enacted, that the tolls to be taken for the use of said bridge shall be as follows; for each foot passenger one cent, for each horse and rider three cents, for each waggon drawn by one horse with its passengers and baggage four cents, for each chaise, chair or sulkey with one or more passengers ten cents, for each four wheeled carriage for passengers, not before mentioned twenty cents, for each carriage of burthen drawn by two oxen or two horses fifteen cents, for each carriage of burthen drawn by more than two horses or oxen twenty five cents, for each horse, mule, jack or neat beast other than sheep one cent, for each sheep or swine one fourth of a cent, for each sled or sleigh drawn by one beast three cents and for each sled or sleigh drawn by more than one beast six cents. And no person shall have a right to pass said bridge without first paying toll as aforesaid except those herein after exempted from such payment. And the said proprietors shall cause the rates of toll herein established to be painted in legible letters on a board which shall be put in some conspicuous place on or near the toll house.

Sect. 5. And be it further enacted that said corporation may purchase and hold one half of an acre of land on each side of the dividing line between Holderness and Plymouth for the site of said bridge, a toll house and the necessary appendages thereof, which land and buildings and also the property, shares and estate in said bridge shall not be subject to taxation.

Sect. 6. And be it further enacted, that it shall be the right of any person owning one share or more, or one thirtieth part or more of said bridge to use the same by himself, his family, and all persons dwelling or residing in his house, with his and their horses, cattle, carriages, sleds and sleighs at all times free of any toll duty or imposition whatever.

Sect. 7. And be it further enacted, that the terms and conditions of this grant are as follows; the said corporation shall erect a sufficient bridge at the place aforesaid within the term of one year next ensuing, and shall at all times keep the same in repair, and shall permit every person paying the lawful toll to use the same. And for defect of repairs of said bridge said corporation shall be subject to

indictment as town corporations are for neglecting to repair highways; but in case of the destruction of said bridge by freshet or otherwise said corporation shall rebuild the same in two years then next ensuing or forfeit this grant.

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT TO ALTER THE CORPORATE NAME OF THE LEBANON COTTON
AND WOOLEN FACTORY COMPANY—

[Approved December 16, 1824. Original Acts, vol. 28, p. 98; recorded Acts, vol. 22, p. 546. See act of incorporation dated June 23, 1814, Laws of New Hampshire, vol. 8, p. 346. See act of incorporation of a company by the same name dated June 21, 1825, *post.*]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Lebanon Cotton and Woolen Factory Company, may assume and shall be hereafter known by the name of the Lebanon Cotton Factory Company, And shall have all the rights and privileges, and be subject to all the liabilities of said Lebanon Cotton and Woolen Factory Company—

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST
FIRE ENGINE COMPANY IN CLAREMONT

[Approved December 16, 1824. Original Acts, vol. 28, p. 99; recorded Acts, vol. 22, p. 546. See act of June 19, 1840, Session Laws, June, 1840, Private Acts, Chap. 4.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Samue Fiske Thomas Woolson Matthew Porter Abraham Fisher their associates and successors be and they hereby are incorporated and made a body politic by the name and stile of the First Fire Engine Company in Claremont and by that name may sue and be sued prosecute and defend to final Judgment and Execution and be known and distinguished, in all their acts and proceedings, and they are hereby vested with all the powers and priveleges and subjected to all the liabilities incident to Corporations of a similar nature—

Sec 2 And be it further enacted that said Company be and

hereby is authorised and empowered to purchase and hold real and personal estate for the purposes of their association to any amount not exceeding one thousand Dollars and the same may sell convey and dispose of at pleasure—

Sec 3. And be it further enacted that the said Samuel Fiske Thomas Woolson and Matthew Porter or any two of them may call the first meeting of said company at any suitable time and place in Claremont in the County of Cheshire by giving to the members thereof at least three days presonal notice of the time place and design of said meeting; at which meeting the said members, may do and transact any business necessary to carry into effect the purposes intended by this act—

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST FIRE ENGINE COMPANY IN WESTMORELAND—

[Approved December 16, 1824. Original Acts, vol. 28, p. 100; recorded Acts, vol. 22, p. 548.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Phineas Hodges Larkin Baker, Prentis Knight, Stephen Dean, their associates and successors be and they hereby are incorporated and made a body politic, by the name and stile of the First Fire Engine Company in Westmoreland and by that name may sue and be sued prosecute and defend to final Judgment and Execution and be known and distinguished in all their acts and proceedings, and they are vested with all the powers and priveleges and subjected to all the liabilities incident to corporations of a similar nature

Sec 2. And be it further enacted that said Company be and hereby is authorised and empowered to purchase and hold real and personal estate for the purposes of their association to any amount not exceeding One Thousand Dollars, and the same may sell convey and dispose of at pleasure

Sec 3 And be it further enacted that Phinehas Hodges Larkin Baker and Prentise Knight or any two of them may call the first meeting of said Company at any suitable time and place in Westmoreland in the County of Cheshire by giving to the members thereof at least three days personal notice of the time place and design of said meeting at which meeting the said members may do and transact any business necessary to carry into effect the purposes intended by this act—

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT TO DIVIDE THE STATE INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES FOR THIS STATE IN THE CONGRESS OF THE UNITED STATES AND TO PRESCRIBE THE MODE OF THEIR ELECTION.—

[Approved December 16, 1824. Original Acts, vol. 28, p. 101; recorded Acts, vol. 22, p. 549. Session Laws, 1824, Chap. 60. See acts of February 7, 1789, Laws of New Hampshire, vol. 5, p. 419; June 17, 1790, id., p. 518, and July 6, 1826, *post*. This act repeals acts of June 21, 1792, Laws of New Hampshire, vol. 6, p. 45, and June 19, 1812, id., vol. 8, p. 128. Repealed by act of July 2, 1825, *post*.]

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that this State be, and hereby is, divided into six districts for the purpose of choosing representatives of this State in the Congress of the United States, and each district shall be entitled to elect one representative in the manner hereinafter prescribed.—

SECT. 2. And be it further enacted, that the said districts shall be formed and limited in manner following, to wit; the county of Rockingham shall constitute the first district; the county of Strafford shall constitute the second district; the county of Merrimack shall constitute the third district; the county of Hillsborough shall constitute the fourth district; the county of Cheshire shall constitute the fifth district; and the counties of Grafton and Coos shall constitute the sixth district.

SECT. 3. And be it further enacted, that the inhabitants of the several towns and places within said districts qualified to vote in the choice of Senators for the State legislature, shall assemble in their respective towns or places on the first Monday of November in the year of our Lord one thousand eight hundred and twenty six, and on the first Monday of November in every second year thereafter, to vote by ballot for one person, duly qualified, to represent this State in the Congress of the United States, for the term of two years from and after the third day of March then next. And the manner of calling and governing said meetings, in the several towns and places, and of receiving, sorting, counting and declaring the votes for representatives in Congress, shall be the same as is by law prescribed in relation to votes for State officers; and a full and fair copy of the record of all the votes shall be made out and certified by the clerks of such towns and places respectively and sealed up, and directed to the secretary of State, with a superscription expressing the purport thereof; and the several clerks aforesaid shall transmit the same to the sheriff of the County in which their respective towns are sit-

uated, within ten days after the time of holding said meetings, or shall transmit the same to the Secretary's office within twenty days after the time of holding such meetings; and the several sheriffs shall, within twenty five days after the time of holding such meetings, transmit to the secretary's office all returns of votes that shall in manner aforesaid have been delivered to them; and the secretary shall, as soon as may be, lay the said returns before the Governor and Council to be by them examined, and in case of an election in any district, by a majority of the votes returned from such district, the person thus chosen shall be declared duly elected and the Governor shall forthwith transmit to the person so chosen a certificate of such choice, signed by the Governor and countersigned by the Secretary.

Sect. 4. And be it further enacted, that in case no person shall be chosen by a majority of all the votes returned from any district, the Governor, with advice of Council, shall cause precepts to be issued to the Selectmen of the several towns and places within such district directing and requiring said selectmen to notify and warn the inhabitants of their respective towns and places, qualified as aforesaid, to assemble on the second Tuesday of March then next following to give in their votes for a representative of this State in the Congress of the United States as aforesaid. And the said meetings shall be called and governed in the manner hereinbefore prescribed, and the inhabitants assembled at said meetings, qualified as aforesaid, may give in their votes for any person duly qualified to represent this State in the Congress of the United States, and the votes for such representative shall be received, sorted, counted, declared, certified and returned in the manner prescribed in the preceding section of this act, excepting that they may be returned by the several town clerks and sheriffs at any time within the periods allowed for the return of votes for State officers; and the votes so returned to the secretary of State shall be by him laid before the Governor and Council at the time the votes for senators in the State legislature are laid before them, and the Governor and Council shall examine them as soon as may be, and the person having a majority of the votes on said second balloting shall be declared duly elected, and a certificate of his election, as prescribed in the third section of this act, shall forthwith be transmitted to him.

Sect. 5. And be it further enacted, that in case no person shall be elected on said second balloting by a majority of the votes returned from such district, the Governor with advice of Council, shall immediately cause precepts to be issued as aforesaid, directing meetings of the inhabitants of the several towns and places within such district to be called at the time prescribed in such precepts, and the inhabitants assembled at said meetings, qualified as aforesaid, may give in their votes for any person duly qualified as aforesaid, to represent this State in the Congress of the United States;

and the said meetings shall be called and governed, and the votes given in at such meetings shall be received, sorted, counted, declared, certified and returned in the same manner as is prescribed in the third section of this act, and shall be examined by the Governor and Council as soon as may be after the return thereof, and the person having the highest number of votes on said third balloting shall be declared duly elected; but in case no person shall be elected on said third balloting by reason of an equality of votes, the Governor with advice of Council, shall again cause precepts to be issued as aforesaid, for the purpose aforesaid, and the same proceedings shall be had as are before prescribed in this section until some person shall have the highest number of votes, and a certificate of the election of the person so chosen shall forthwith be transmitted to him as aforesaid.

Sect. 6. And be it further enacted, that whenever any vacancy shall happen in the representation of this State in the Congress of the United States, the Governor with advice of Council shall cause precepts to be issued to the selectmen of the several towns and places within the district in which such vacancy may have happened, directing and requiring them to notify and warn the inhabitants of such towns and places, duly qualified as aforesaid, to assemble on the day in such precepts mentioned, to give in their votes for a representative to supply such vacancy; and the same proceedings shall be had thereon as are directed in the third section of this act, and in case no person shall be chosen to supply such vacancy, on the first balloting, by a majority of the votes returned from such district, precepts shall forthwith be issued as aforesaid to supply such vacancy, and the same proceedings shall be had as are hereinbefore prescribed, and the person having a majority of the votes on the second, or the highest number on any after balloting, shall be declared duly elected, and a certificate of the election of the person chosen to supply such vacancy shall forthwith be transmitted to him; provided, however, that in case the precepts so issued shall in any case direct the meeting to supply such vacancy to be held on the second Tuesday of March in any year, the votes so given in at such meeting may be returned and counted at the times specified in the fourth section of this act.—

Sect. 7. And be it further enacted, that the several town clerks and sheriffs shall be liable to the same penalties for neglect of the duties enjoined on them respectively by this act as they are liable to by law for neglect in returning the votes given for Governor, counsellors and senators.

Sect. 8. And be it further enacted, that an act entitled “an act directing the mode of choosing representatives to the Congress of the United States,” passed June 21. 1792, and an act in addition thereto, passed June 10. 1812, be and the same are hereby repealed; provided, nevertheless, that the said acts shall so far con-

tinue in force that all elections of representatives for this State in the nineteenth Congress, and all elections to supply any vacancies which may occur in the representation of this State in the said nineteenth Congress, shall be made in the same manner as if this act had not been passed.

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION FOR THE ASSESSMENT OF PUBLIC TAXES AMONG THE SEVERAL TOWNS AND PLACES WITHIN THIS STATE AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS FOR LEVYING THE SAME.—

[Approved December 17, 1824. Original Acts, vol. 28, p. 102; recorded Acts, vol. 22, p. 554. Session Laws, 1824, Chap. 61. See also act of December 22, 1820, Laws of New Hampshire, vol. 8, p. 984.]

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay and for which the Treasurer of this State is hereby authorized to issue his warrants shall be as follows, to wit;

COUNTY OF ROCKINGHAM.

Atkinson	three dollars and twenty one cents	3	21
Brentwood	four dollars and fifty three cents	4	53
Candia	five dollars and fifty four cents	5	54
Chester	eight dollars and twenty one cents	8	21
Deerfield	nine dollars and fourteen cents	9	14
East Kingston	two dollars and twenty nine cents	2	29
Epping	seven dollars and eight cents	7	08
Exeter	nine dollars and ninety cents	9	90
Greenland	four dollars and nine cents	4	09
Hampstead	three dollars and eighty cents	3	80
Hampton	four dollars and fifty eight cents	4	58
Hampton falls	three dollars and forty cents	3	40
Hawke	one dollar and eighty eight cents	1	88
Kensington	four dollars and nineteen cents	4	19
Kingston	three dollars and sixty seven cents	3	67
Londonderry	thirteen dollars and twenty seven cents	13	27
New Castle	one dollar and thirty three cents	1	33
Newington	two dollars and fifty seven cents	2	57
New Market	four dollars and thirty three cents	4	33
Newtown	one dollar and eighty eight cents	1	88

North Hampton	three dollars and seventy nine cents	3	79
Northwood	five dollars and seventy three cents	5	73
Nottingham	five dollars and nine cents	5	09
Plaistow	two dollars and thirty cents	2	30
Poplin	two dollars and ten cents	2	10
Portsmouth	fifty four dollars & thirty six cents	54	36
Raymond	three dollars and sixty two cents	3	62
Rye	four dollars and twenty eight cents	4	28
Salem	four dollars and ninety four cents	4	94
Sandown	two dollars and sixty cents	2	60
Seabrook	three dollars and twenty eight cents	3	28
South Hampton	two dollars and nineteen cents	2	19
Stratham	four dollars and sixty two cents	4	62
Windham	three dollars and fifty three cents	3	53
		201	32

COUNTY OF STRAFFORD.

Alton	five dollars and fifty three cents	5	53
Barnstead	six dollars and eight cents	6	08
Barrington	six dollars and thirty nine cents	6	39
Brookfield	two dollars and fourteen cents	2	14
Burton	sixty one cents		61
Centre Harbour	one dollar and eighty cents	1	80
Chatham	one dollar and twenty seven cents	1	27
Conway	four dollars and twenty cents	4	20
Dover	twelve dollars and forty five cents	12	45
Durham	seven dollars and forty five cents	7	45
Eaton	three dollars and twenty nine cents	3	29
Effingham	five dollars and sixty five cents	5	65
Farmington	five dollars and twenty four cents	5	24
Gilmanton	thirteen dollars and ninety three cents	13	93
Gilford	six dollars and twenty seven cents	6	27
Lee	three dollars and ninety four cents	3	94
Madbury	two dollars and eighty one cents	2	81
Meredith	nine dollars and one cent	9	01
Milton	four dollars and twenty cents	4	20
Moultonborough	four dollars & forty three cents	4	43
Middleton	one dollar and seventy four cents	1	74
New Durham	three dollars and forty three cents	3	43
New Hampton	five dollars and three cents	5	03
Ossipee	five dollars and forty cents	5	40
Rochester	eight dollars and forty cents	8	40
Sanbornton	eleven dollars and ninety seven cents	11	97
Sandwich	eight dollars and fifty cents	8	50
Somersworth	four dollars and thirteen cents	4	13

Strafford	seven dollars and twenty four cents	7	24
Tamworth	four dollars and fifty one cents	4	51
Tuftonborough	four dollars and twenty five cents	4	25
Wakefield	four dollars and ninety four cents	4	94
Wolfborough	five dollars and sixty one cents	5	61
		181	84

COUNTY OF MERRIMACK

Allenstown	one dollar and twenty five cents	1	25
Andover	six dollars and twenty cents	6	20
Boscawen	eight dollars and eighty six cents	8	86
Bow	three dollars and fifty four cents	3	54
Bradford	four dollars and fifty two cents	4	52
Canterbury	seven dollars and twenty five cents	7	25
Chichester	three dollars and thirty eight cents	3	38
Concord	thirteen dollars and forty three cents	13	43
Dunbarton	four dollars and sixty seven cents	4	67
Epsom	five dollars and seventy cents	5	70
Fishersfield	two dollars and eighty five cents	2	85
Henniker	seven dollars and eighty five cents	7	85
Hooksett	two dollars and seventy five cents	2	75
Hopkinton	eleven dollars and forty three cents	11	43
Loudon	seven dollars and seventeen cents	7	17
New London	three dollars and forty seven cents	3	47
Northfield	five dollars	5	00
Pembroke	five dollars and ninety four cents	5	94
Pittsfield	five dollars and twenty six cents	5	26
Salisbury	nine dollars and ninety four cents	9	94
Sutton	four dollars and seventy nine cents	4	79
Warner	seven dollars and ninety three cents	7	03
Wilnot	one dollar and eighty cents	1	80
		134	98

COUNTY OF HILLSBOROUGH

Amherst	six dollars and fifty seven cents	6	57
Antrim	five dollars and forty one cents	5	41
Bedford	five dollars and sixty three cents	5	63
Brookline	one dollar and eighty cents	1	80
Dæring	five dollars and eighty five cents	5	85
Dunstable	four dollars and twenty cents	4	20
Francestown	seven dollars and forty five cents	7	45
Goffstown	six dollars and sixty seven cents	6	67
Greenfield	three dollars and seventy one cents	3	71

Hancock	five dollars and twenty one cents	5	21
Hillsborough	seven dollars and sixteen cents	7	16
Hollis	five dollars and fifty two cents	5	52
Litchfield	one dollar and ninety cents	1	90
Lyndeborough	four dollars and thirty four cents	4	34
Manchester	two dollars and forty eight cents	2	48
Mason	four dollars and thirty seven cents	4	37
Merrimack	four dollars and thirty three cents	4	33
Milford	four dollars and ninety five cents	4	95
Mount Vernon	three dollars and twenty three cents	3	23
New Boston	seven dollars and four cents	7	04
New Ipswich	five dollars and ninety seven cents	5	97
Nottingham West	four dollars and ninety cents	4	90
Pelham	four dollars and sixty nine cents	4	69
Peterborough	six dollars and fifty three cents	6	53
Sharon	one dollar and sixty six cents	1	66
Society Land	fifty six cents		56
Temple	three dollars and ten cents	3	10
Weare	eleven dollars and ninety three cents	11	93
Windsor	eighty nine cents		89
Wilton	four dollars and thirty four cents	4	34
		142	39

COUNTY OF CHESHIRE.

Acworth	seven dollars	7	00
Alstead	six dollars and eighty six cents	6	86
Charlestown	seven dollars and one cent	7	01
Chesterfield	eight dollars and sixty two cents	8	62
Claremont	eleven dollars and thirty cents	11	30
Cornish	seven dollars and sixty one cents	7	61
Croydon	three dollars and seventy three cents	3	73
Dublin	five dollars and eleven cents	5	11
Fitzwilliam	four dollars and fifty nine cents	4	59
Gilsum	two dollars and six cents	2	06
Goshen	two dollars and fifty cents	2	50
Grantham	three dollars and fifty nine cents	3	59
Hinsdale	three dollars and nineteen cents	3	19
Jaffrey	five dollars and ninety two cents	5	92
Keene	nine dollars and eighty eight cents	9	88
Langdon	three dollars and four cents	3	04
Lempster	three dollars and sixty one cents	3	61
Marlborough	three dollars and thirty two cents	3	32
Marlow	three dollars and twenty six cents	3	26
Nelson	three dollars and eighty one cents	3	81
Newport	seven dollars and sixty three cents	7	63

Plainfield	six dollars and eighty one cents	6	81
Richmond	five dollars and sixteen cents	5	16
Rindge	five dollars and thirty nine cents	5	39
Roxbury	one dollar and fifty three cents	1	53
Springfield	three dollars and sixty two cents	3	62
Stoddard	five dollars and thirty eight cents	5	38
Sullivan	two dollars and sixty cents	2	60
Surry	two dollars and fifty one cents	2	51
Swanzey	five dollars and ninety one cents	5	91
Troy	two dollars and fifty one cents	2	51
Unity	four dollars and eighty five cents	4	85
Walpole	eleven dollars and eight cents	11	08
Washington	four dollars and seven cents	4	07
Wendell	two dollars and seventeen cents	2	17
Westmoreland	seven dollars and eighty cents	7	80
Winchester	six dollars and forty eight cents	6	48
		191	51

COUNTY OF GRAFTON

Alexandria	two dollars and twenty one cents	2	21
Bath	six dollars and twenty seven cents	6	27
Bethlehem	one dollar and fifty six cents	1	56
Bridgewater	two dollars and forty cents	2	40
Bristol	two dollars and seventy one cents	2	71
Campton	three dollars and ninety four cents	3	94
Canaan	four dollars and fifty cents	4	50
Coventry	one dollar and fourteen cents	1	14
Danbury	one dollar and sixty five cents	1	65
Dorchester	two dollars and twenty seven cents	2	27
Dames Gore	fourteen cents		14
Ellsworth	fifty three cents		53.
Enfield	five dollars eighty four cents	5	84
Franconia	one dollar and twenty six cents	1	26
Grafton	three dollars sixty two cents	3	62
Groton	two dollars forty four cents	2	44
Hanover	eight dollars seventy cents	8	70
Haverhill	six dollars sixty three cents	6	63
Hebron	one dollar and ninety five cents	1	95
Holderness	four dollars and eleven cents	4	11
Landaff	three dollars and eighteen cents	3	18
Lebanon	eight dollars and one cent	8	01
Lyme	seven dollars and sixty three cents	7	63
Lincoln	twelve cents		12
Lisbon	three dollars and seventy six cents	3	76
Littleton	three dollars and eighty two cents	3	82

Lyman	four dollars and forty cents	4	40
New Chester	three dollars and sixty four cents	3	64
Orange	seventy four cents		74
Orford	six dollars and thirty five cents	6	35
Peeling	eighty three cents		83
Piermont	three dollars and ninety two cents	3	92
Plymouth	four dollars and eleven cents	4	11
Rumney	three dollars and seventeen cents	3	17
Thornton	three dollars and two cents	3	02
Warren	two dollars and thirty nine cents	2	39
Wentworth	three dollars and fifteen cents	3	15
		126	11

COUNTY OF COOS

Adams	ninety six cents		96
Bartlett	one dollar and thirty nine cents	I	39
Bretton Woods	twenty five cents		25
Cambridge	twenty cents		20
Colebrook	one dollar and eighty five cents	I	85
Columbia	one dollar and eleven cents	I	11
Dalton	one dollar and twenty eight cents	I	28
Dixville	six cents		6
Dummer	thirty six cents		36
Errol	forty two cents		42
Erving's Location	two cents		2
Hales Location	four cents		4
Harts Location	ten cents		10
Jefferson	one dollar and five cents	I	05
Kilkenny	thirty cents		30
Lancaster	three dollars and three cents	3	03
Maynesborough	twelve cents		12
Millsfield	twelve cents		12
Northumberland	one dollar and sixty five cents	I	65
Nash & Sawyers			
Location	thirteen cents		13
Paulsburg	thirty five cents		35
Piercy	sixty eight cents		68
Randolph	forty two cents		42
Stratford	one dollar and sixty five cents	I	65
Shelburne	one dollar and twenty one cents	I	21
Shelburne Addi-			
tion	twenty eight cents		28
Stewartstown	one dollar and forty three cents	I	43
Success	twenty four cents		24

Whitefield	one dollar and eight cents	1	08
Wentworth's Location	four cents		4
Winslow's Location	three cents		3
		21	85

Sect. 2. And be it further enacted that the same shall be the proportion for the assessment of all public taxes until a new proportion shall be made and established and that the Treasurer for the time being issue his warrants accordingly.—

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF THE NEW-CHESTER UNION BRIDGE.

[Approved December 18, 1824. Original Acts, vol. 28, p. 103; recorded Acts, vol. 22, p. 562. See acts of June 12, 1801, Laws of New Hampshire, vol. 7, p. 17; December 15, 1803, id., p. 171; December 21, 1805, id., p. 437; December 20, 1808, id., p. 732; June 17, 1813, id., vol. 8, p. 230, and December 20, 1842, Session Laws, November, 1842, Private Acts, Chap. 4.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened, That Asa Prescott, George W. Sumner John S. Sanborn their associates and successors be and they hereby are incorporated and made a body politic by the name of the Proprietors of the New Chester Union Bridge and by that name may sue and be sued, prosecute and defend to final Judgment and Execution, and be called and known in all cases whatever; and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec 2 And be it further enacted That the persons above named or any two of them may call the first meeting of said Proprietors at any suitable time and place by posting up notifications at two or more public places in said New Chester at least fifteen days prior thereto, or by giving at least seven days personal notice of the time place and design of said meeting. At which said first meeting or at any adjournment thereof there shall be chosen a Clerk who shall be sworn faithfully to discharge the duties of said office, and whose duty it shall be to record all the proceedings of said Corporation, and to give certified copies of such proceedings when required: and at the same or at any subsequent meeting duly notified and holden,

the said proprietors, may divide their capital or joint stock into such number of shares as they may deem expedient and prescribe the mode of transferring them; order assessments and fix the time of their payment; pass by-laws not repugnant to the laws of this State, and annex penalties to the breach thereof not exceeding ten Dollars for any one offence; may elect such officers as they may deem necessary, and prescribe their duties, and do and transact any business necessary to carry into effect the purposes of their association.

All elections and all other questions shall be determined by a majority of votes present or represented, allowing one vote to each share; and all representations shall be made in writing, signed by the person represented and filed with the Clerk—

Sec 3. And be it further enacted that the said Proprietors are hereby authorised and empowered to construct, build and erect a Bridge over and across the Pemigewasset Branch at Emersons Falls, so called between the towns of New Chester and Sandborn-ton, or at any place within one mile above or one mile below said Falls, and the same from time to time rebuild and keep in repair forever; and, for their accommodation and convenience, the said Proprietors are hereby authorised to purchase and hold in fee-simple or less estate, so much land as may be necessary on one or both sides of said Branch not exceeding five acres.

Sec 4 And be it further enacted, That if said Proprietors and the owner or owners of land adjoining said Branch at the place where said Bridge may be located, cannot agree on the amount of compensation to be paid for said land nor on a disinterested person or persons to ascertain the same, the said Proprietors may apply to the Court of Sessions, in and for the County of Grafton, and the said Court upon such application and after due notice to said owner or owners, or to the tenants or occupants of said land, shall appoint one or more suitable persons to ascertain and determine such compensation and the said Proprietors upon payment or tender of the sum or sum's, so ascertained and determined, shall have a right to enter and take possession of said land and to use the same for their and the public accommodation, and as the convenience of both may necessarily require.

Sec 5 And be it further enacted; That for the purpose of reimbursing the Proprietors for the money by them expended, in building and maintaining said Bridge, a toll be and hereby is granted and established of the rates following: that is to say, For each foot passenger one cent, for each horse and rider, or led horse three cents, for each horse and chaise, chair sulkey or other carriage of pleasure, drawn by one horse ten cents, if drawn by more than one horse, five cents for each additional horse; for each pleasure sleigh drawn by one horse, four cents, and for each additional horse two

cents; for each cart waggon, or other, carriage of burden drawn by two beasts, ten cents, and two cents for each additional beast; for each sled or sleigh of burden, if drawn by two beasts four cents, and one cent for each additional beast; for each horse or mule in droves, one and a half cent; for each neat creature one cent; for each sheep or swine, one quarter of a cent, and one person and no more with each team shall be allowed to pass free of toll

Sec 6 And be it further enacted, that the share or shares in said Bridge shall be liable and holden for the payment of all assessments duly made thereon and upon non-payment thereof, within the time fixed for their payment the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments with incidental charges under such regulations as said proprietors may, in their by-laws prescribe.

Sec 7 And be it further enacted, That if said Bridge shall not be completed for travelling within three years from the passing hereof, then this act and every part thereof shall be null and void Provided that this act shall not be so construed as to infringe any grant heretofore made for the privilege of building a Toll Bridge across said river.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAME OF JOHN BROWN 4TH OF HAMPTON-FALLS

[Approved December 18, 1824. Original Acts, vol. 28, p. 104; recorded Acts, vol. 22, p. 565.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; That John Brown 4th of Hamptonfalls in the State of New Hampshire is hereby authorised to assume the name of John Berry Brown and shall hereafter be called and known by that name, in transacting business, and in all cases whatever.—

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT DISANNEXING THE TOWN OF WILMOT FROM SENATORIAL DISTRICT NO 11 AND ANNEXING THE SAME TO SENATORIAL DISTRICT NO 8.

[Approved December 18, 1824. Original Acts, vol. 28, p. 105; recorded Acts, vol. 22, p. 566. Session Laws, 1824, Chap. 64. Laws, 1830 ed., p. 313.]

Be it enacted by the Senate and House of Representatives in General Court convened; that the town of Wilmot in the County of Merrimack be disannexed from Senatorial District No. Eleven and annexed to Senatorial District No Eight.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT, TO DISANNEX THE TOWN OF CONWAY FROM SENATORIAL DISTRICT NO. 12, AND TO ANNEX THE SAME, TO SENATORIAL DISTRICT NO 6

[Approved December 18, 1824. Original Acts, vol. 28, p. 106; recorded Acts, vol. 22, p. 567. Session Laws, 1824, Chap. 65. Laws, 1830 ed., p. 313.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the town of Conway in the County of Strafford be and hereby is disannexed from Senatorial District No Twelve; and annexed to District No 6.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS IN DURHAM BY THE NAME OF THE MARTIN LUTHER SACRED MUSICK SOCIETY.

[Approved December 18, 1824. Original Acts, vol. 28, p. 107; recorded Acts, vol. 22, p. 567.]

Whereas the persons herein after named have associated for the laudable purpose of improvement in the knowledge and performance of sacred Musick for the encouragement and promotion of that object: Therefore.

Sec 1 Be it enacted in the Senate and House of Representatives, in General Court convened; that George Hull, Jacob Odell, Edward Pendexter Samuel Woodman, William J. Thompson Richard Steele John Farnum Charles Woodman and Samuel B. Buzzell with their associates and successors be and they hereby are created a body politick and corporate in Durham, and shall forever hereafter continue a body politick and corporate by the name and style of the Martin Luther Sacred Musick Society, with all the powers privileges and liabilities incident to corporations of this nature, and by that name shall sue and be sued, plead and be impleaded, defend and be defended in any Court to final Judgment and Execution.

Sec 2^d And be it further enacted: That said Corporation may receive and take by gift, grant, devise, or otherwise and hold posses and enjoy lands, rents tenements and hereditaments with full power to bargain, sell, and dispose of the same or any part thereof, and may also receive subscriptions grants and donations of personal estate, provided such real estate shall not exceed in value the sum of one thousand Dollars and such personal estate shall not exceed the sum of two thousand Dollars for the use and purposes of the Incorporation

Sec 3 And be it further enacted, that the first three persons herein before named or any two of them, shall have full power to call the first meeting of said Corporation at such time and place as they may deem proper by posting up a notification for that purpose at the brick meeting-house in said Durham at least fifteen days prior to said day of meeting. At which meeting or an adjournment thereof said Corporation may pass by-laws and transact all other necessary business.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NORTHFIELD SACRED MUSIC SOCIETY

[Approved December 18, 1824. Original Acts, vol. 28, p. 108; recorded Acts, vol. 22, p. 569.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Enos Hoit Richard Hazeltine Jeremiah Tilton Robert Smith and their associates and successors be and hereby are made a Corporation by the name of the Northfield Sacred Music Society with power to hold personal estate not exceeding five hundred Dollars in amount for the support and improvement of sacred music in the town of Northfield, and with all other powers and privileges incident to similar corporations

Sec 2 And be it further enacted that Enos Hoit may call the first meeting of the members of said Corporation by posting up at the meeting-house or other suitable place in Northfield, at least one week prior to the meeting, a notification of the time and place of holding the same.

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE PLACE OF HOLDING THE MAY TERM OF THE SUPERIOR COURT OF JUDICATURE AND THE SEPTEMBER TERM OF THE COURT OF SESSIONS IN THE COUNTY OF CHESHIRE.

[Approved December 18, 1824. Original Acts, vol. 28, p. 110; recorded Acts, vol. 22, p. 570. Session Laws, 1824, Chap. 68.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened, that after the first day of March in the year of our Lord One thousand eight hundred and twenty six, the Term of the Superior Court of Judicature, which is holden at Charlestown, on the first Tuesday of May annually in this State, and the Term of the Court of Sessions, which is holden at said Charlestown, on the fourth Tuesday of September annually, be holden at Newport in said County, provided a suitable building for the accommodation of said Courts shall be erected and furnished for that purpose, without expense to said County and notice thereof shall be lodged with the Clerk of said Court certified by the Selectmen of said Newport, by the first day of March aforesaid

Section 2 And be it further enacted that all, writs, venires, recognisances, appeals, actions, indictments, warrants and processes of every kind which may be made returnable to said Superior Court of Judicature at said Charlestown on the first Tuesday of May in the year of Our Lord One thousand eight hundred and twenty six, shall be returned to and sustained by said Court at said Newport provided the conditions of this act are performed

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT TO AUTHORISE THE FIELD OFFICERS OF THE TWENTY SIXTH REGIMENT OF MILITIA IN THIS STATE TO ORGANIZE A COMPANY OF RIFLE-MEN AT GREENFIELD—

[Approved December 18, 1824. Original Acts, vol. 28, p. 111; recorded Acts, vol. 22, p. 571. Session Laws, 1824, Chap. 69.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened; That the Field Officers of the twenty sixth regiment of militia in this State may organize one Company of rifle-men at Greenfield in the County of Hillsborough, which may consist of thirty six rank and file, to be officered like the Infantry and each, non-commissioned officer and private shall be armed with a good rifle and equipt as rifle-men usually are in actual service

Section 2. And be it further enacted that said Company when formed agreeable to the provisions of the first section of this act, shall be annexed to the twenty sixth regiment, and shall be subject to the same liabilities as if the said Company had been organized, with the consent of the Brigadier General of the fourth Brigade.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE WINNIPISEOGEE BANK.

[Approved December 20, 1824. Original Acts, vol. 28, p. 113; recorded Acts, vol. 22, p. 572. Second section of this act amended July 5, 1834, Acts, vol. 30, p. 464.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court; convened; that Daniel Avery, Daniel Tucker, Dudley Ladd, Stephen Perley, Stephen C. Lyford, Henry H. Orne, Nathaniel Holmes Daniel Hoit, Nathaniel Shannon, William Badger, Stephen L. Greeley, Zadock Bowman, Stephen Gale, Ebenezer Danford, Nathan Bachelder, Jonathan Ladd John Durkee, George L. Sibley, Aaron Martin, Horatio G. Prescott, Daniel Gale 3^d Francis W. Boynton, Abraham Perkins, Lyman B. Walker, and their associates and those who may hereafter become

associates in said Bank, their successors and assigns shall be and they hereby are created and made a Corporation by the name of the President, Directors and Company of the Winnipiseogee Bank, and shall so continue until the first monday in January which will be in the year of our Lord One thousand eight hundred and forty six, and by that name shall be and hereby are made capable in law to sue and be sued, plead and be inpleaded, defend and be defended in any Court of record, or any other place whatever. And also to make and use a common seal, and the same to break, alter and renew; and also to ordain, establish and put in execution, such by-laws and regulations not repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government and for the prudent management of the affairs of said Corporation; subject always to the limitations and provisions herein after prescribed; Provided that said Grantees shall within two years from the passage of this act, accept the provisions thereof and organize and put said institution into operation under the same, in default of which this act shall thereafter be void and of no further effect.

Sec 2 And be it further enacted that the capital stock of said Corporation shall consist of a sum not less than One Hundred Thousand Dollars nor more than One Hundred and Fifty thousand Dollars in specie and shall be divided into One thousand shares and the stockholders at their first meeting by a majority of votes shall determine the amount of payments to be made on each share and the time when they shall be made; Also the mode of transferring and disposing of the stock and the profits thereof which being entered on the books of said Corporation shall be binding on the stockholders, their successors and assigns; Provided that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of One Hundred thousand Dollars at least and provided also that no stock holder shall ever be allowed to borrow more than seventy five per cent upon his stock actually paid in; And the said Corporation is hereby made capable to have, hold, purchase, and possess, to them and their successors and assigns lands tenements and hereditaments, to the amount of Twenty five Thousand Dollars, and no more at any one time, with power to sell and convey the same, and to loan and negotiate their monies and effects by discounting on banking principles on such personal security as they shall think advisable.

Sec 3 And be it further enacted that the following rules limitations and provisions shall form and be the fundamental articles of said Corporation.

1 That the said Corporation shall not issue and have in circulation at any one time bills, notes, or obligations to a grater amount than the capital stock actually paid in at such time and then com-

posing the capital stock of said Bank, and in case any Cashier, Director or other officer of said Bank at any time, shall knowingly issue or order, direct or cause to be issued and put in circulation, bills, notes, or obligations of said Bank which together with those before issued and then in circulation shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, Director or other officer shall forfeit and pay a sum not exceeding ten thousand Dollars nor less than one thousand Dollars.

2 That dividends may be made semi-annually among the stockholders of said Bank of interest or profits actually received; but no part of the Capital stock of said Bank shall be divided among or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the liscence of the Legislature of this State therefor on penalty that any cashier Director or other officer who shall so divide or pay the same or order, direct or cause the same to be paid or divided, shall therefor forfeit and pay a sum not exceeding Ten Thousand Dollars nor less than One thousand Dollars; Provided nevertheless that it shall be lawful for the stockholders after having given one year's previous notice of their intention by advertisement in two newspapers published in this State and after payment of all outstanding debts due from said Bank, to make division of the capital stock among themselves and thereby dissolve said Corporation.

3 That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank, by any means whatever, it shall be the duty of the Directors in their next annual return of the condition of said Bank, by law required to be made to the Governor and Council, to state the amount of such dimunition or loss and the cause thereof; and after such loss or dimunition no dividend of interest or profits shall be made until such dimunition shall have been replaced and supplied by assessments and actual payments of the stockholders, or by appropriations therefor of the interest and profits actually received.

4th That said Corporation shall not vest, use nor improve any of their monies, goods chattels or effects in trade or commerce but may sell all kinds of personal pledges lodged in their possession by way of security to an amount sufficient to reimburse the sum or sums loaned

5 That none but a member of said Corporation being a citizen of this State, and resident therein shall be eligible for a Director, and the Directors shall choose one of their own number to act as President. The Cashier before he enters on the duties of his office, shall give bond with two or more sureties to the satisfaction of the Board of Directors, in a sum not less than Twenty Five Thousand Dollars, with condition for the faithful performance of the duties of his office

6 That for the well ordering of the affairs of said Corporation a meeting of the stock holders shall be holden at such place as they shall direct on the first monday of July annually from and after their first meeting, and at any other time during the continuance of said Corporation at such place as may be appointed by the President and Directors for the time being by public notification being given at least two weeks prior thereto; at which annual meeting there shall be chosen, by ballot not less than seven Directors; to continue in office the year ensuing their election and until others shall be chosen in their stead. And the number of votes each stockholder shall be entitled to shall be according to the number of shares he shall hold in the following proportion; that is to say, for every one share, one vote, for every two shares above one and not exceeding twenty, one vote, for every three shares above twenty, one vote; provided that no one stockholder shall be entitled to more than thirty votes. Absent members may vote by proxy, being authorized in writing signed by the person represented, and filed with the Cashier

7. That no director shall be entitled to any emolument for his services, but the stock-holders may make the President such compensation as to them shall appear reasonable.

8. That not less than a majority of the Directors shall constitute a board for the transaction of business of whom the President shall be one except in the case of sickness or necessary absence in which case the Directors may choose a Chairman for the time being in his stead

9. That all bills issued from said Bank signed by the President and countersigned by the Cashier shall be binding on said Corporation.

10. That the Directors shall appoint a Cashier Clerks, and such other officers, agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in Meredith in the Village at Meredith Bridge in the County of Strafford

12. That the Legislature shall at all times have the right, by persons duly appointed for that purpose to examine into the state and condition and all the doings of said Corporation, and of their officers relating to the same, for which purpose all the Books and papers of the Corporation together, with their money and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the state and condition or transactions of said Bank.

Sec 4 And be it further enacted, that the said Daniel Avery, Daniel Tucker and, Dudley Ladd or any two of them may call a

meeting of said Corporation at such time and place as they may see fit, by giving public notice thereof at least two weeks prior to the time of meeting by advertising in some newspaper printed in the town of Concord; for the purpose of ordaining and establishing such by laws and regulations, as the said members may deem necessary and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

Sec 5 And be it further enacted; that all penalties incurred for a breach of any of the provisions of this Act may be recovered by information or suit in the name of the State.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE SANDWICH ACADEMY

[Approved December 20, 1824. Original Acts, vol. 28, p. 115; recorded Acts, vol. 22, p. 578.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that Paul Wentworth Samuel Emerson, Elisha Hanson, Benjamin Jewett, Jeremiah Furber William Cogan, John Hubbard Nicholas G. Norris, John Adams, Asahel Adams, and their associates and successors be and hereby are created and made a Corporation for the diffusion of literature and science by the name of the Sandwich Academy with continuance and succession forever.

Sec 2 And be it further enacted that said Corporation may hold real and personal estate to the amount of three thousand Dollars free from taxation—may make and establish rules and by-laws for the regulation and government of said Academy and may have and exercise all the powers and privileges incident to similar corporations

Sec 3 And be it further enacted that said Academy shall be established near Little's corner in Sandwich and that the said Paul Wentworth, Samuel Emerson and Elisha Hanson or any two of them may call the first meeting of said Corporation by giving personal notice to each individual or by posting up written notice of the time place and design of said meeting in three public places in said Sandwich at least seven days before the time of holding the same.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AND IN AMENDMENT OF THE SEVERAL ACTS
 NOW IN FORCE REGULATING "THE PROCEEDINGS FOR EXTINGUISH-
 ING FIRES

[Approved December 20, 1824. Original Acts, vol. 28, p. 116; recorded Acts, vol. 22, p. 579. Session Laws, 1824, Chap. 72. See also acts of April 6, 1781, Laws of New Hampshire, vol. 4, p. 380; June 17, 1794, id., vol. 6, p. 188; November 30, 1803, id., vol. 7, p. 169; June 27, 1818, id., vol. 8, p. 723, and December 21, 1824, *post*. Repealed December 16, 1828, *post*.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that in the town of Portsmouth (and in every other town in this State which at a legal meeting, may vote to adopt the provisions of this act) every house or other building, of two or more stories in height, which has four fire places shall be provided with two leather buckets of such size and form as the fire-wards of such town shall from time to time prescribe; and every such house or other building which has six fire-places shall be provided with three such buckets and every such house or building which has eight fire-places shall be provided with four such buckets and every such house or building which has more than eight fire-places shall be provided with six such buckets; which buckets shall be provided and kept in good repair at the charge of the owner or owners of such house or building; and in case the owner or owners of such house or building shall neglect to provide said buckets, or shall neglect to provide secure ladders as is prescribed in the act 'entitled "an act to regulate the proceedings for extingushing fires" passed April 6 A.D. 1781 for thirty days, after having been directed by the fire-wards of such town to provide such buckets or ladders, it shall be the duty of said fire-wards to provide such buckets or ladders for such house or building at the expense of the town; and such town may recover the amount thereof against the owner or owners of such house or building by an action of debt before any court competent to try the same and such action may be brought by the firewards in the name and behalf of souch town.

Sec 2 And be it further enacted; that whenever, in the opinion of the fire-wards any building in such town has become dangerous by reason of decay, or want of repairs, it shall be the duty of the firewards to give a written notice thereof to the owner or owners of such building if residing within the town; or to the occupant of such building if the owner or owners do not reside within the town or in case the owner or owners do not reside within the town and there be no occupant of such building there to post up said notice in at least

three public places in said town; which notice shall in all cases, contain a particular account of the repairs required to be done; and in case such repairs be not made within thirty days from the time of giving, or posting up, said notice as aforesaid, the firewards may cause such repairs to be made at the expense of the town; and such town may recover the amount thereof against such owner or owners by an action of debt before any court competent to try the same and such action may be brought by the fire-wards in the name and behalf of said town: And in case, in the opinion of the firewards such building be in a ruinous state and not worth repairing, and the owner or owners do not within sixty days from the time of such notice, make the repairs required therein, the said fire-wards may cause such building to be demolished, at the expense of the town, and shall make out a particular account of such expense and cause the same to be filed with their Secretary or Clerk; and in case the owner or owners do not within five days from such filing repay the amount of such expense, the said fire-wards may sell by public auction the materials of such building; and from the proceeds of such sale shall retain the amount of such expense, and the charge of sale, and the over-plus, if any, shall pay over to the owner or owners of such building when thereto requested

Sec 3 And be it further enacted, that it shall be the duty of the Selectmen of such town to advance to the fire-wards from time to time when thereto requested, such sums as may be necessary to carry into effect the provisions of this act; And it shall be the duty of the firewards in such town annually in the month of March and before the annual town meeting to transmit to the Selectmen an exact account of their receipts and expenditures in said office of fire-wards, which account the Selectmen shall lay before the town at such annual meeting, or at any meeting adjourned therefrom. And all penalties recovered under the several acts to which this is an addition shall, be in, such town to the use of the fire wards, and shall be by them accounted for to the Selectmen, in their annual account as aforesaid

Sec 4 And be it further enacted that all acts and parts of acts heretofore passed that are inconsistent with the provisions of this act, be and the same are hereby repealed, so far as respects said town of Portsmouth and such other towns as may adopt the provisions of this act.

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A COURT OF COMMON PLEAS FOR THE STATE
 OF NEW HAMPSHIRE.

[Approved December 20, 1824. Original Acts, vol. 28, p. 118; recorded Acts, vol. 22, p. 582. Session Laws, 1824, Chap. 73. See also Acts of June 24, 1813, Laws of New Hampshire, vol. 8, p. 251; November 5, 1813, *id.*, p. 276; June 27, 1816, *id.*, p. 501; December 15, 1820, *id.*, p. 934; June 27, 1821, *ante*, p. 23, and June 22, 1826, *post.*]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that there be and hereby is established a Court of Common Pleas for the State of New Hampshire, consisting of a Chief Justice and two associate justices to be appointed and commissioned as is by the constitution provided, and to be held by two or more of said justices in each county in the State, at the times and places hereinafter appointed. And the justices of said court shall have power from, time to time, to make and establish all such rules for the entry of actions and for the admission of attornies, filing pleas in abatement and demurrers to declarations, and for the orderly and well conducting the business of the court, as they may deem proper.

Sect. 2. And be it further enacted, that said court of Common Pleas shall have original jurisdiction in all civil actions arising within the said counties respectively, excepting those in which justices of the peace have jurisdiction, and appellate jurisdiction in all appeals from justices of the peace, both in civil actions and criminal prosecutions; and final jurisdiction in cases of bastardy; and in all personal actions, wherein the sum demanded in damages shall not exceed fifty dollars. And whenever it shall so happen that a quorum of said court shall not attend at the time and place at which said court by law, or adjournment, was to have been holden, the sheriff of the county may adjourn the said court from time to time as the circumstances of the case may require; provided that the Superior Court of Judicature shall have original jurisdiction concurrent with the Court of Common Pleas of all real actions and of all personal actions wherein the sum demanded in damages shall exceed one hundred dollars, and in all personal actions commenced in the Superior Court of Judicature, if the plaintiffs shall not recover in debt or damages the sum of one hundred dollars he shall not recover any cost, but the defendant shall recover cost and have a separate judgment therefor which may be set off against the plaintiffs judgment or the plaintiffs judgment may be set off against the judgment which the defendant may recover as is provided in the fifth section of this act.—

Sect. 3. And be it further enacted, that all writs and processes issuing from the Court of Common Pleas shall be in the name of the State of New Hampshire, shall bear test of the chief justice, when not a party, and of one of the associate justices when the chief justice is a party, or the office is vacant, and shall be under the seal of said court and signed by the clerk of said court in the county where the writ or process may be returnable, and shall have force, be obeyed and executed in every county within the State. And all original processes shall be summons, *capias*, or attachment, and shall be served and returned in the same way and manner as is now provided by law for similar processes. And the forms of all processes and executions shall be so far altered and changed as to conform to the provisions of this act.

Sect. 4. And be it further enacted, that any party aggrieved at any judgment not rendered on default, of the court of Common pleas in any real action, or in any personal action, wherein issue has been joined, in which the damages demanded shall exceed the sum of fifty dollars, may appeal therefrom to the next superior court of judicature, to be held within and for the county where such judgment may have been rendered; and where any such appeal shall be made by any plaintiff and he shall not recover more than fifty dollars in the superior court of judicature, he shall not recover any cost on such appeal; but the defendant shall recover his costs, and shall have a separate judgment therefor; and when an appeal shall be made by the defendant and he shall not reduce the damages recovered in the court appealed from, the plaintiff shall recover double costs of suit accruing on the appeal. And in case the party appealing shall neglect to enter his appeal, the court appealed to, at the term to which such appeal was claimed, may, upon complaint, proceed to render judgment thereon agreeably to the provisions of this act.—

Sect. 5. And be it further enacted, that the court appealed to shall set off such judgment as the defendant may recover against the judgment which the plaintiff may recover in said suit or such judgment as may be recovered by the plaintiff against the judgment which the defendant may recover in said suit. And the appellant shall produce in the court appealed to, attested copies of the writ, judgment and proceedings, and of all the papers used and filed in the cause in the court below.

Sect. 6. And be it further enacted, that any party may allege exceptions to any opinion, direction or judgment of said court of Common Pleas in any matter of law, happening in any action in which said court has final jurisdiction; which being reduced to writing in a summary mode, and being presented to the court before the adjournment thereof without day, and found conformable to the truth of the case, shall be allowed and signed by the presid-

ing judge of said court; which exceptions shall be filed and become a part of the record.—

Sect. 7. And be it further enacted, that all actions of which the court of Common Pleas have final jurisdiction, may be reviewed within the same time, and in the same manner, as actions are now reviewed in the Superior Court of Judicature.

Sect. 8. And be it further enacted, that the court of Common Pleas shall appoint a Clerk in each county to keep the records in their respective counties; and petit jurors shall be appointed and returned to serve at the Courts of Common Pleas in the respective counties, in the same way and manner as petit jurors are now appointed and returned to serve at the superior court of judicature, and shall receive the same compensation, and for not attending, shall be subject to the same penalties.

Sect. 9. And be it further enacted, that the fees to be paid to the Clerks of the Court of Common Pleas, shall be the same as are now by law required to be paid to the clerks of the Superior Court of Judicature; and the clerks of the said court of Common Pleas shall immediately after each term of said court in the respective counties, account with and pay over to the respective county treasurers all monies by them received for the use of the counties, and it shall be the duty of the justice presiding at each term of said court, at the close thereof, to certify the account of said clerk; and there shall be paid to the clerk of the Superior Court of Judicature for the entry of each appeal from the Court of Common Pleas, fifty cents, and the costs to be allowed to parties recovering judgment in the courts of Common Pleas shall be the same as are now by law allowed in the Superior Court.—

Sect. 10. And be it further enacted, that the chief justice of the said Court of Common Pleas shall, during his continuance in office, receive from the treasury of this state, in full for his services, the sum of twelve hundred dollars annually, in quarter yearly payments and the associate justices shall receive the sum of ten hundred dollars each in like manner.

Sect. 11. And be it further enacted, that the said Court of Common Pleas in the respective counties, shall have all the jurisdiction and powers by law now vested in the courts of Sessions in the several counties of this State, and in the Superior Court of Judicature by virtue of an act, entitled, "an act authorizing the Superior Court of Judicature to cause highways to be established in certain cases", passed June 27. 1821; and the same be and hereby are transferred and vested in the said court of common pleas; and all regulations and provisions of existing laws, applicable to the several courts of Sessions in this State. and to the Superior Court of Judicature under the provisions of the aforesaid act, and not inconsistent with the provisions of this act, shall hereafter apply to the said

Court of Common Pleas, holden in the several counties respectively; and that all judgments, orders, records, processes, proceedings, matters and things whatsoever, issuing from, returnable to, or now remaining in said several Courts of Sessions and in said Superior Court of Judicature by virtue of the act aforesaid, shall be, and the same hereby are, transferred to the said Court of Common Pleas in the several counties respectively; and all processes and proceedings whatever, founded thereon and concerning the same, shall be had, sustained, taken cognizance of, prosecuted, heard and determined in said Court of Common Pleas, in like cases and in the same manner, as if the same had been judgments, orders, records, processes, proceedings, files and matters of or in said Court of Common Pleas hereby established; and all such records and files shall be considered as records and files of the said court of common pleas in the several counties respectively.

SECT. 12. And be it further enacted, that it shall be the duty of the several clerks of the courts of Sessions in this State, immediately after the first day of February next, to deliver over to the clerks of the courts of common pleas in their respective counties, all the records of judgments and other proceedings and all the files of said courts of sessions; and it shall be the duty of the several clerks of the superior court of judicature, in like manner, to deliver to said clerks of the court of common pleas in their respective counties, all the records of judgments and other proceedings, and all the files of said superior court of judicature, which relate to any petition, process, order, judgment, proceeding, matters or things whatsoever, preferred, recorded, had, heard, or acted upon in said superior court of judicature, by virtue of the aforesaid act, passed June 27. 1821. And said records and files shall become, taken and deemed to be records and files of said court of common pleas.—

SECT. 13. And be it further enacted, that the court of common pleas shall be holden in the county of Rockingham at Portsmouth in said county on the third Tuesday of January and at Exeter in said county on the third Tuesday of August; in the County of Strafford at Rochester in said county on the first Tuesday of January and at Gilmanton in said county on the first Tuesday of August; in the county of Merrimack at Concord in said county on the last Tuesday of October and on the second Tuesday of April; in the County of Hillsborough at Amherst in said county on the second Tuesday of February and on the first Tuesday of September; in the County of Cheshire at Keene in said county on the third Tuesday of March and at Charlestown in said county on the third Tuesday of September; in the county of Grafton at Haverhill in said county on the fourth Tuesday of February and at Plymouth in said county on the first Tuesday of October; and in the county of Coos at Lancaster in said County on the first Tuesday of March and on the third Tuesday of July.—

Sect. 14. And be it further enacted, that the superior court shall have jurisdiction, and proceed to judgment in all cases where writs have been or shall be sued out or appeals from justices made, before the first day of February next, in the same manner as if this act had not been passed.

Sect. 15. And be it further enacted, that this act shall not take effect until the first day of February next; provided, however, that the justices of said court of Common Pleas may be appointed and commissioned at any time after the passing of this act; and provided further that the justices of said court may appoint their clerks at any time after the said Justices shall have been appointed.

Sect. 16. And be it further enacted, that all acts and parts of acts inconsistent with the provisions of this act, be, and the same hereby are repealed.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO INSTITUTE AND PROVIDE FOR THE ORGANIZATION OF A BOARD OF AGRICULTURE FOR THIS STATE PASSED DECEMBER 19. 1820, AND ALSO AN ACT IN ADDITION THERETO PASSED JUNE 27TH 1821.

[Approved December 21, 1824. Original Acts, vol. 28, p. 120; recorded Acts, vol. 22, p. 589. Session Laws, 1824, Chap. 74. See acts referred to, Laws of New Hampshire, vol. 8, p. 940, and *ante*, p. 24.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that an act entitled an act to institute and provide for the organization of a Board of Agriculture for this State passed December 19th A.D. 1820, and an act entitled an act in addition to an act entitled an act to institute and provide for the organization of a board of Agriculture for this State passed June 27th A.D. 1821, be and the same are hereby repealed.—

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED, AN ACT TO PREVENT INCESTUOUS MARRIAGES AND TO REGULATE DIVORCES.

[Approved December 21, 1824. Original Acts, vol. 28, p. 121; recorded Acts, vol. 22, p. 590. Session Laws, 1824, Chap. 75. Laws, 1830 ed., p. 158. The act referred to is probably dated February 17, 1791, Laws of New Hampshire, vol. 5, p. 732. See also acts of July 6, 1839, Session Laws, 1839, Chap. 457; June 19, 1840, id., June, 1840, Chap. 507; December 24, 1840, id., November, 1840, Chap. 573, and July 2, 1841, id., 1841, Chap. 607. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that any husband or wife, separating him or herself from the other, and joining and uniting him or herself with any religious sect or society that believes or professes to believe the relation between husband and wife to be void or unlawful; and such husband or wife continuing to live so united with such sect or society for the space of three years and refusing during that time to cohabit with the other, who shall not have joined and continued united with such sect or society, shall be deemed and taken to be a sufficient cause of divorce from the bonds of matrimony.

Sect. 2. And be it further enacted, that in cases where such husband or wife has before the passing of this act so separated from the other, and joined and united with such sect or society, and has continued to live with such sect or society for said space of three years, and has so refused to cohabit during said time, the other party not having joined and continued united with such sect or society, and shall for the space of six months after the passing of this act continue so separated from the other and united with such sect or society, and shall during that time so refuse to cohabit, the same be deemed and taken to be a sufficient cause of divorce from the bonds of matrimony.

Sect. 3. And be it further enacted, that in cases of divorce granted to a wife by virtue of this act, she shall be entitled to have her real estate restored to her and alimony out of her husbands estate in like manner as is provided in the act mentioned in the title of this act.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE PROPRIETORS OF THE THIRD TURNPIKE ROAD IN NEW HAMPSHIRE TO SURRENDER THEIR CHARTER AND DISCONTINUE SAID TURNPIKE ROAD FOR THE PURPOSE OF MAKING IT A FREE ROAD.

[Approved December 21, 1824. Original Acts, vol. 28, p. 122; recorded Acts, vol. 22, p. 591. Session Laws, 1824, Chap. 76. See acts of December 27, 1799, Laws of New Hampshire, vol. 6, p. 613; June 18, 1806, id., vol. 7, p. 533; December 13, 1808, id., p. 717, and June 15, 1811, id., vol. 8, p. 13.]

Whereas the proprietors of the third turnpike road have signified their wish to surrender their charter and discontinue said turnpike for the purpose of establishing the same as a publick highway free of toll which would be beneficial to the public.

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the proprietors of the said third turnpike road be and they are hereby empowered to surrender their charter to the State and to discontinue said turnpike for the purpose of establishing the same as a free public highway which surrender and discontinuance may be made by a vote duly passed at a meeting of said proprietors duly called and held for that purpose agreeably to the by laws of said corporation and an attested copy of such vote being filed in the office of the Secretary of State and published in one or more newspapers published within this State and in some newspaper published in Boston in the County of Suffolk and Commonwealth of Massachusetts said turnpike shall thereafter be deemed and held to be discontinued as a turnpike road and the said proprietors shall not thereafter be authorized to exact any tolls from any person passing over said road nor be liable to make any repairs upon the same. —

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT PRESCRIBING THE MODE OF RECOVERING THE FINES AND PENALTIES IN "AN ACT TO REGULATE THE PROCEEDINGS FOR EXTINGUISHING FIRES" &C PASSED APRIL 6. 1781.—

[Approved December 21, 1824. Original Acts, vol. 28, p. 123; recorded Acts, vol. 22, p. 592. Session Laws, 1824, Chap. 77. The act referred to is printed in Laws of New Hampshire, vol. 4, p. 380. See also acts of June 17, 1794, id., vol. 6, p. 188; November 30, 1803, id., vol. 7, p. 169; June 27, 1818, id., vol. 8, p. 723, and December 20, 1824, *ante*, p. 350. Repealed December 16, 1828, *post*.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that all penalties imposed by the act aforesaid, for the recovery of which no mode is prescribed in said act, may be recovered by action of debt before any court competent to try the same, and such action may be instituted by the firewards, in the name and behalf of the town and the sums so recovered shall be appropriated by said firewards in the manner directed in the act aforesaid.

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH THE TIMES AND PLACES OF HOLDING THE PROBATE COURTS FOR THE COUNTY OF HILLSBOROUGH.

[Approved December 21, 1824. Original Acts, vol. 28, p. 124; recorded Acts, vol. 22, p. 593. Session Laws, 1824, Chap. 78. See also acts of January 3, 1829, *post*; June 25, 1829, Session Laws, 1829, Chap. 9; July 4, 1833, id., 1833, Chap. 122, and July 3, 1841, id., 1841, Chap. 626.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the Probate Courts for the County of Hillsborough shall be holden at Amherst in said County on the last Tuesday of February, March, May, June, August, October, November and December; at Frankestown in said county on the first Tuesday of February and on the last Tuesdays but one of May, August and November; at Goffstown near the new meeting house in said town, on the last Tuesdays of January and September; at Dunstable in said county on the first Tuesdays of January and July; at Temple in said county on the first Tuesdays of March and August; and at such other times and places as the Judge of Probate

for said county may appoint, provided however that the probate court shall be holden at Amherst and not at Goffstown on the last Tuesday of January next, anything in this act to the contrary notwithstanding.—

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE DESCENT AND DISTRIBUTION OF INTESTATE ESTATES", PASSED JULY 2. 1822.

[Approved December 21, 1824. Original Acts, vol. 28, p. 125; recorded Acts, vol. 22, p. 594. Session Laws, 1824, Chap. 79. Laws, 1830 ed., p. 354. See act referred to, *ante*, p. 102. See also acts of February 3, 1789, Laws of New Hampshire, vol. 5, p. 384; January 4, 1792, *id.*, p. 838, December 13, 1792, *id.*, vol. 6, p. 60, and July 6, 1826, *post.* Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that illegitimate children shall be the heirs of their mother, she dying without leaving legitimate issue, and in case of the decease of such child or children in the lifetime of the mother leaving legitimate issue, such issue shall inherit the share of such child or children so deceased.

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NEW-ENGLAND FIRE INSURANCE COMPANY.

[Approved December 21, 1824. Original Acts, vol. 28, p. 126; recorded Acts, vol. 22, p. 595. A company by the same name, located at Manchester, was incorporated by act of September 2, 1887, Session Laws, 1883-87, p. 617.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Low, Isaac Hill, John K. Simpson, Samuel Green, Samuel Morrill and their associates, successors and assigns, be and they hereby are incorporated into a company and body politic by the name of the New-England Fire Insurance Company, to be located in the town of Concord and county of Merrimack, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at

pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; provided they shall not hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts, due to said company.

Section 2. And be it further enacted, That the capital stock of said company shall be two hundred thousand dollars, divided into one thousand shares of two hundred dollars each, twenty-five per centum of which shall be paid in within sixty days after the first meeting of said company, and the residue in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Section 3. And be it further enacted, That the stock, property, affairs and concerns of said company shall be managed and conducted by five directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and shall, at the time of their election, be stockholders of said company, and shall be elected annually on such day, and at such time of the day and place in the aforesaid town of Concord, as a majority of the Directors for the time being, shall appoint; of which election public notice shall be given in some newspaper printed in said Concord, for the space of ten days immediately preceding such election. And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock—provided no stockholder shall be allowed more than twenty votes; and the stockholders not present may vote by proxy, under such regulations as the company may prescribe; and if through any accident, the Directors should not be chosen as aforesaid, it shall be lawful to choose them, in manner aforesaid, on any other day.

Section 4. And be it further enacted, That the Directors so chosen, shall meet as soon as may be, after every election, and shall choose, out of their number, one person to be President, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, to be notified and held as is herein before directed, in the case of annual elections.

Section 5. And be it further enacted, That the President and three Directors, or four of the Directors in the absence of the President, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein;

and the powers, duties and conduct of the several officers, clerks and servants employed in the service of said company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of insurance, provided such by-laws, rules and regulations be not repugnant to the laws or constitution of the United States, or of this State. And they shall have power to appoint a Secretary and such other officer or officers as may be needful, with such compensation to them severally, and to the President, as to them shall seem fit; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings within the United States, against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree; provided that the said company shall not insure on any one risk more than ten per centum on the amount of the capital stock paid in; and all policies of insurance, by them made, shall be subscribed by the President, or two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company; and all losses, duly arising under policies so subscribed, may be adjusted and settled by the President and board of Directors, or such agent as they shall authorize; and such adjustment shall be binding on said company.

Section 6. And be it further enacted, That the said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatever, but may, in the discretion of a majority of the Directors, sell any portion of the property in which the capital stock may be invested, and reinvest the proceeds in any of the stock mentioned in the second section of this act; and the capital stock shall, within six months after the collection thereof, be invested either in the funded debt of the United States, or in the stock of some incorporated bank within this State, or of the bank of the United States, in either or all of them, and in such proportions as may be judged most for the interest of said company.

Section 7. And be it further enacted, That once in three years, and oftener, if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. And the said company shall, when and as often as required by the Legislature of this State, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same under oath.

Section 8. And be it further enacted, That, in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the President or Directors, after

knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place, under policies thus subscribed; and the said President and Directors shall cause to be printed or written on every policy they shall make the amount of their capital stock.

Section 9. And be it further enacted, That it shall be the duty of the Directors, twice in each year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said company; and in case of any loss, whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall be added to the capital.

Section 10. And be it further enacted, That any three of the persons named in the first section of this act are hereby authorized to call a meeting of the said company in Concord, by advertising the same three weeks successively in the New-Hampshire Patriot and State Gazette, for the purpose of electing the first board of Directors, who shall hold their offices until another board shall be chosen.

Section 11. And be it further enacted, That if the charter shall not be renewed at the expiration of twenty years, the corporation shall remain liable for all outstanding policies.

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PISCATAQUA BANK

[Approved December 21, 1824. Original Acts, vol. 28, p. 127; recorded Acts, vol. 22, p. 600. See additional act of June 21, 1832, Acts, vol. 29, p. 15.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Samuel Hale Samuel Lord, and their associates, and those who may hereafter become associates in said Bank, their successors and assigns shall be and they are hereby created and made a Corporation by the name of the Piscataqua Bank and shall so continue until the first monday of August, One thousand eight hundred and forty five; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court of record or

any other place watever and also, to make have and use a common Seal, and the same again at pleasure to break, alter or renew; and also to ordain establish or put in execution, such by-laws ordinances and regulations not repugnant to the laws of this State as to them shall appear necessary and convenient for their regulation and government and for the prudent management of the affairs of said Corporation subject always to the rules, restrictions and provisions hereinafter prescribed Provided that said Grantees shall within two years from the passage of this act accept the provissions thereof and organize and put said institution into operation under the same; in default of which this act shall thereafter be void and of no further effect.

Sec 2 And be it further enacted, That the Capital Stock of said Corporation shall consist of a sum not less than One Hundred Thousand Dollars, nor more than Two Hundred Thousand Dollars in Specie, and be divided into not less than Five Hundred Shares nor more than Two thousand Shares and the Stock-holders at their first meeting by a majority of votes, shall determine the number of shares and the amount of payments to be made on each share and the times when they shall be made; also the mode of transferring and disposing of the Stock and Profits thereof, which being entered on the Books of said Corporation shall be binding on the Stock-holders their successors and assigns. Provided that no Stock-holder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of One Hundred Thousand Dollars at least. Provided also that no Stock-holder shall in any case be allowed to borrow more than seventy five per cent. on his capital Stock so paid in except the Savings Bank which shall rave a right to borrow as is herein after provided. And the said Corporation is hereby made capable in law to have, hold, purchase, and receive possess, enjoy and retain to them their successors and assigns, lands tenaments and hereditaments, to the amount of Twenty five Thousand Dollars and no more at any one time, with power to bargain, sell, dispose of and convey the same, and to loan and negociate their monies and effects by discounting on banking principles on such personal security, or on the pledge of merchandize or other property as collateral security, to an amount not exceeding three fourths of its value, as they shall think advisable—

Sec 3 And be it further enacted, That the following rules, limitations, and provissions shall form, and be the fundamental articles of said Corporation

First That said Corporation shall not issue and have in circulation at any one time, bills, notes, or obligation to a greater amount than the Capital Stock actually paid in, at such time, and then composing the Capital Stock of said Bank, and in case any Cashier, Director or other officer of said Bank, at any time, shall knowingly, issue, order, direct or cause to be issued and put in circulation Bills notes or

obligations of said Bank, which together with those before issued and then in circulation, shall exceed the amount of the Capital Stock of said Bank as aforesaid such Cashier, Director or other officer, shall forfeit and pay a sum not exceeding Ten thousand Dollars nor less than One thousand Dollars

2—That dividends may be made semiannually among the Stock holders of said Bank of Interest or Profit actually received, but no part of the Capital Stock of said Bank shall be divided among or paid to the Stock-holders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the liscence of the Legislature of this State therefor, on penalty that any Cashier, Director or other officer, who shall so divide or pay the same or order, direct or cause the same to be done shall therefor forfeit and pay a sum not exceeding Ten thousand Dollars nor less than one thousand Dollars

Provided nevertheless that it shall be lawful for the Stock-holders after having given one year's previous notice of their intention by advertisement in two newspapers published in this State and after payment of all out standing debts due from said Bank to make division of the Capital Stock among themselves and thereby dissolve said Corporation

3—That in case of a dimunition or loss of any portion of the sum composing the Capital Stock of said Bank by any means whatever it shall be the duty of the Directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council to state the amount of such dimunition or loss and the cause thereof and after such loss or dimunition no dividend of Interest or Profit shall be made until such loss or dimunition shall have been replaced and supplied by assessments and actual payments of the Stock-holders, or by appropriations therefor of the Interest and profit actually received.

Fourth—That said Corporation shall not vest, use, nor improve any of their monies goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their possession by way of security to an amount sufficient to reimburse the sum or sums loaned

Fifth—That none but a member of said Corporation being a citizen of this State and resident therein shall be eligible for a Director; and the Directors shall choose one of their own number to act as President—The Cashier before he enters on the duties of his office shall give bond with two or more sufficient surities to the satisfaction of the board of Directors in a sum not less than Twenty five thousand Dollars with condition for the faithful performance of the duties of his office.

Sixth That for the well ordering of the affairs of said Corporation a meeting of the Stock-holders shall be holden at such place as they shall direct on the first monday of July annually from and after

the first meeting and at any other time during the continuance of said Corporation, at such place as may be appointed by the President and Directors for the time being by public notification being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot not less than seven nor more than nine Directors to continue in office the year ensuing their election, and until others shall be chosen in their stead. And the number of votes to which each Stock holder shall be entitled shall be according to the number of shares he shall hold in the following proportion, that is to say, for every one share, one vote, for every two shares, above one and not exceeding twenty, one vote, for every five shares above twenty one vote. Provided that no stock-holder shall be entitled to more than fifteen votes. Absent members may vote by proxy, being authorized in writing signed by the person represented and filed with the Cashier.

Seventh That no Director shall be entitled to any emolument for his services, but the Stock-holders, may make the President such compensation as to them shall appear reasonable.

Eighth—That not less than a majority of the Directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence in which case the Directors may choose a Chairman, for the time being, in his stead.

Ninth That all Bills, issued from said Bank, signed by the President and countersigned by the Cashier, shall be binding on said Bank.

Tenth—That the Directors shall appoint a Cashier, Clerks and such other officers, Agents, or Servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper—

Eleventh—That the aforesaid Bank shall be established and kept in the Town of Portsmouth in the County of Rockingham

Twelfth—That the Legislature shall at all times have the right by persons duly appointed for that purpose to examine into the State and condition and all the doings and transactions of said Corporation and all their officers relating to the same, for which purpose all the Books and papers of the Corporation, together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed, and each officer of the Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the State, condition and transactions of said Bank

Thirteenth—That the Portsmouth Savings Bank shall have a right to subscribe for and hold so many of the shares in said Piscataqua Bank as the Trustees of said Savings Bank may deem expedient, not exceeding in the whole the value of Thirty Thousand Dollars at any one time: and the said Piscataqua Bank shall at all

times loan to the said savings Bank such sums as may be required, on a pledge of so many of said shares as may be sufficient to secure the repayment of such loan; provided however that not more than eighty per cent of the par value of such shares shall at any time be loaned upon their security alone.

Sec 4 And be it further enacted that the said Samuel Hale and Samuel Lord, may call a meeting of said Corporation at such time and place as they may see fit by giving public notice thereof at least two weeks prior to the time of meeting by advertising in some newspaper printed in the Town of Portsmouth, for the purpose of making, ordaining and establishing such by-laws ordinances and regulations as the said members may deem necessary, and for the choice of the first board of Directors, and such other officers as they may see fit to choose.

Sec 5 And be it further enacted, That all penalties incurred for a breach of any of the provisions of this act may be recovered by information or suit in the name of the State—

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT TO DIVIDE THE TWENTY FIRST, TWENTY SIXTH AND THIRTIETH REGIMENTS OF MILITIA IN THIS STATE AND TO ESTABLISH A NEW REGIMENT.

[Approved December 22, 1824. Original Acts, vol. 28, p. 128; recorded Acts, vol. 22, p. 606. Session Laws, 1824, Chap. 84. Repealed by act of January 2, 1829, *post.*]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the companies in the towns of Boscawen, Salisbury and Andover shall constitute the twenty first regiment; the companies in the towns of Antrim, Deering, Hillsborough, Windsor, Hancock, Francestown, Greenfield and Society-Land shall constitute the twenty sixth regiment; the companies in the towns of New London, Fishersfield, Wilmot, Bradford and Sutton shall constitute the thirtieth regiment; and that the companies in the towns of Warner, Hopkinton, and Henniker shall constitute the fortieth regiment.

Sect. 2. And be it further enacted, that the fortieth regiment shall be annexed to the fourth brigade.

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE MINISTERIAL LIBRARY IN WILTON.

[Approved December 22, 1824. Original Acts, vol. 28, p. 129; recorded Acts, vol. 22, p. 607.]

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Thomas Beede, Eliphalet Putnam, Ezra Abbot, Samuel Abbot, and Timothy Parkhurst be and hereby are made a body politic and corporate by the name of the Trustees of the Ministerial Library in Wilton and they and their successors and such as shall be duly elected members of said corporation shall be and remain a body politic and corporate forever and that the said corporation by the same name are hereby made capable in law to sue and be sued, prosecute and defend to final judgment and execution, to have a common seal and the same to alter and renew at pleasure; to make and ordain rules and by laws for the government of said corporation and the regulation and management of its affairs consistent with the laws of this State; and to have the powers and privileges and be subject to the liabilities incident to such corporations.

SECT. 2. And be it further enacted, that for the purposes of preserving, increasing and well ordering a library for the use and benefit of the religious teacher of the first religious society in said Wilton and his successors (intending by said first religious society, the society by whatever name or manner the same may be continued, which worships with the church which was embodied in said town on the fourteenth day of December A.D. seventeen hundred and sixty three, of which society the Reverend Thomas Beede is now the religious teacher) said corporation may receive and take by gift, grant, devise or otherwise and hold and possess, exclusive of said library, real and personal estate the value of which shall not exceed three thousand dollars.—

SECT. 3. And be it further enacted, that said corporation shall have power to determine at what place in said town said library shall be kept, and may in such manner and under such regulations as shall not be inconsistent with the beneficial use of said library by said religious teacher and his successors, loan the books thereof as they shall judge expedient.

SECT. 4. And be it further enacted, that the number of said trustees shall not exceed five and that when any trustee shall cease to be a member of said first religious society he shall cease to be a trustee and member of said corporation, and when any vacancy shall hap-

pen in said corporation by death or otherwise said corporation shall as soon as conveniently may be fill up said vacancy by electing some suitable person a trustee, who is a member of said first religious society.—

Sect. 5. And be it further enacted, that the three persons first mentioned in this act or any two of them shall have power to call the first meeting of said corporation by giving to each member thereof personal notice or by posting up notifications in writing in two public places in said Wilton of the time, place and design of said meeting seven days at least before the same shall be.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE BRACKETT ACADEMY IN GREENLAND

[Approved December 22. 1824. Original Acts, vol. 28, p. 130; recorded Acts, vol. 23, p. 1. See also act of July 13, 1876, Session Laws, 1872-76, p. 665.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, That Ephraim Abbot Joseph W. March, George Weeks, Huntington Porter, Jacob Abbot, Nathan Parker, Stephen Pickering John K. Hatch William Smith Junior Oliver W. B. Peabody, Charles W. Cutter, William Pickering and their successors together with the Principle Instructor in said Academy for the time being, be, and they hereby are incorporated and made a body politic forever by the name of the Trustees of the Brackett Academy in Greenland; and by that name may sue and be sued, plead and be impleaded, prosecute and defend to final judgment and execution, and be so called and known in all their acts and proceedings; and they are hereby vested with all the powers, rights and privileges and made subject to all the liabilities of similar Corporations.

Sec 2. And be it further enacted; That the number of said Trustees shall not at any time be more than thirteen nor less than seven a major part of whom shall be lay-men and reputable freeholders. And whenever one or more of said Trustees shall die or resign, or in the judgment of a major part of the other Trustees, be rendered by age, or otherwise, incapable of discharging the duties of his office, in such case the Trustees surviving and remaining, or the major part of them, shall elect one or more persons to supply the vacancy or vacancies so happening, and all elections shall be so made, that a major part of said Trustees shall consist of persons who are not inhabitants of said Greenland. And a major part of said Trustees,

shall constitute, a board for the transaction of business and all questions at any meeting of said Board shall be decided by a major vote of the members present, except the appointment or the removal of a Trustee which shall require the votes of a majority of the whole number of Trustees for the time being

Sec 3 And be it further enacted, that the Trustees of said Academy be and they hereby are authorized and empowered to receive, take, and hold in fee-simple, or less estate by gift grant or otherwise, any lands, tenements or other real estate, the annual income of which shall not exceed the sum of two thousand Dollars, and personal estate of which the annual income shall not exceed the sum of six thousand Dollars, and the same may sell, convey and dispose of for the use and benefit of said Institution, And said estate to the amount of three thousand Dollars, while so held, used and applied, for the purposes hereby intended, shall be exempt from taxation.

Sec 4 And be it further enacted, That the said Joseph W. March, John K. Hatch and George Weeks or any two of them shall call the first meeting of said Trustees, by giving notice of the time, place and design thereof, in writing, delivered to each of said Trustees, or left at his usual place of residence ten days at least before said, day of meeting. And at said first meeting or at any adjournment thereof the said Trustees may determine the manner of calling and the time and places of holding their annual and other meetings, and at the same or any subsequent meeting duly notified and holden they may elect such officers and agents as they may deem necessary, and prescribe their duties, may make and establish rules for their own proceedings and all such orders and regulations as they may deem necessary, and proper for the government and direction of the Instructors and students in said Academy, for the preservation and application of the funds and the property thereof, and may do all such acts and things as may be necessary and proper to carry into effect the purposes hereby intended

[CHAPTER 55.]

State of }
New Hampshire. }

AN ACT EMPOWERING THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE TO APPOINT COMMISSIONERS FOR CERTAIN PURPOSES.—

[Approved December 22, 1824. Original Acts, vol. 28, p. 131; recorded Acts, vol. 23, p. 4. Session Laws, 1824, Chap. 87. Repealed by act of June 22, 1829, id., 1829, Chap. 3.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the Justices of the Superior

Court of Judicature shall appoint a Commissioner in each county who shall be sworn to the faithful discharge of his duty and hold his office during the pleasure of said court and whose duty it shall be at each session of said court in the county for which he shall be appointed, to tax, examine and allow all bills of costs where the State is a party, arising on prosecutions and trials in said court, and on enquiries before the grand jury, and on examinations and proceedings before magistrates returned to said court, and certify the same to said court, and which may be reexamined by said court and increased or diminished as justice may require; and that said court shall at each term allow to said commissioner such compensation for his services as may be deemed just and reasonable, to be paid out of the county treasury.—

[CHAPTER 56.]

State of }
New Hampshire. }

AN ACT ABOLISHING THE MAY TERM OF THE SUPERIOR COURT IN THE COUNTY OF COOS.—

[Approved December 22, 1824. Original Acts, vol. 28, p. 132; recorded Acts, vol. 23, p. 5. Session Laws, 1824, Chap. 88. See also acts of June 24, 1813, Laws of New Hampshire, vol. 8, p. 251, and June 23, 1818, id., p. 686.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that so much of the third section of an act entitled “an act establishing a supreme judicial court and circuit court of common pleas”, passed June 24. 1813, and also so much of the act entitled “an act to alter the May Term of the superior court of judicature in the county of Grafton & Coos”, passed June 23. 1818 as relates to holding the superior court at Lancaster in said county of Coos on the third and fourth Tuesdays of May annually be and the same are hereby repealed.

Sect. 2. And be it further enacted, that all writs venires, recognizances, appeals, actions, indictments, warrants and processes of every kind, which are or may be made returnable to said court at said Lancaster on the third Tuesday of May AD. one thousand eight hundred and twenty five, shall be returned to and sustained by said court at said Lancaster on the first Tuesday of November then next.—

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT DIRECTORS & COMPANY OF THE CONCORD BANK"—APPROVED JUNE 18. 1806.—

[Approved December 22, 1824. Original Acts, vol. 28, p. 133; recorded Acts, vol. 23, p. 6. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 521.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened—that the said act entitled "an act to incorporate sundry persons by the name of the President Directors & Company of the Concord Bank," (excepting the last section thereof which is in the form of an amendment, and so much of the remaining provisions of said act as may be inconsistent with this act) shall remain and continue to be in force for and during the term of twenty years from and after the first day of July in the year of our Lord one thousand eight hundred & twenty six—during which term the said Corporation shall continue, and shall have and enjoy all the rights privileges and immunities granted to it in and by said act which are not inconsistent with this act, and shall be subject to all the liabilities mentioned and provided in and by said act not inconsistent with the provisions of this act.

Sec. 2. And be it further enacted, that the said Corporation shall not issue and have in circulation at any one time, bills notes or obligations to a greater amount than the amount of the Capital Stock of said Bank actually paid in at such time and then composing the Capital Stock of said Bank; and in case any Cashier, Director, or other Officer of said Bank, at any time shall knowingly issue or order, direct or cause to be issued and put into circulation, bills, notes or obligations of said Bank, which, together with those before issued and then in circulation shall exceed the amount of the Capital Stock of said Bank as aforesaid, such Cashier, Director, or other officer shall forfeit and pay a sum not exceeding ten thousand dollars, and not less than one thousand dollars.

Sec. 3. And be it further enacted, that Dividends may be made semi-annually, among the Stock-holders of said Bank, of interest or profits actually received, but no part of the Capital Stock of said Bank shall, either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among or paid to the Stock holders without the license of the Legislature of this State therefor, on penalty that any Cashier Director, or other officer who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dol-

lars. Provided nevertheless that it shall be lawful for the Stockholders after having given one year's previous notice of their intention by advertisement printed in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the Capital Stock among themselves and thereby dissolve said Corporation.

Sec. 4. And be it further enacted, that the Capital Stock of said Bank shall, for the purposes of this act, at this time be taken and deemed to be sixty thousand dollars, being the amount of sums actually paid into said Bank by the Stock-holders, and now composing the Capital Stock thereof; and said Capital Stock shall be taken to be a sum not less than one hundred thousand dollars after the first day of July in the year of our Lord one thousand eight hundred and twenty six; and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the Bank, or other means whatever, it shall be the duty of the Directors in their next annual return of the condition of the said Bank, by law required to be made to the Governor and Council, to state the amount of such diminution or loss and the cause thereof, and after such loss or diminution no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the Stock holders, or by appropriations therefor of the interest and profits actually received. Provided nevertheless that the Capital Stock of said Bank may be increased by assessments and actual payments by the Stock holders to any sum not exceeding in amount the sum limited by the original act of incorporation, and such payments shall thereupon be added to said sixty thousand dollars and the amount of both sums shall constitute the Capital Stock.

Sec 5. And be it further enacted—that the Legislature shall at all times have the right by any persons duly appointed for that purpose to examine into the State, condition, and all the doings and transactions of said Corporation and of its officers relating to the same, for which purpose all the books and papers of the Corporation, together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so to be appointed, and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogatories relating to the State condition or transactions of said Bank.

Sec. 6. And be it further enacted that all penalties incurred under this act may be recovered by information or suit in the name of the State.

Sec. 7. And be it further enacted, that this act, being made on the petition of the President Directors and Company of the Concord Bank, of which Stephen Ambrose is now President, and George Kent Cashier, the grant herein contained is made to that company only and to the Stock holders therein.—

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
PRESIDENT, DIRECTORS AND COMPANY OF THE MERRIMACK-
COUNTY BANK.

[Approved December 22, 1824. Original Acts, vol. 28, p. 135; recorded Acts, vol. 23, p. 9. See also acts of June 20, 1845, Session Laws, 1845. Private Acts, Chap. 298, and July 12, 1864, id., 1864, Private Acts, Chap. 3047.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that Baruch Chase, Samuel Greenleaf, Benjamin Pierce, Joseph Clough, Richard Bradley, Abiel Walker, John George, Francis N. Fisk, and their associates and those who may hereafter become associates in said bank, their successors and assigns shall be and they hereby are created and made a corporation by the name of the President, Directors and Company of the Merrimack County Bank and shall so continue until the first day of January which will be in the year one thousand eight hundred and forty six, and by that name may sue and be sued, plead and be impleaded in any court of record or elsewhere; may have a common seal, and the same may break, alter or renew at pleasure; and may also make, ordain and establish such bylaws and regulations, not repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government, subject always to the rules, restrictions and provisions hereafter prescribed.

Sect. 2. And be it further enacted, that the capital stock of said Bank shall consist of a sum not less than one hundred thousand dollars nor more than one hundred and fifty thousand dollars in specie, and shall be divided into one thousand shares; and the stockholders at their first meeting by a majority of votes shall determine the amount of payments to be made on each share and the time when they shall be made; also the mode of transferring and disposing of the stock and the profits thereof, which being entered on the books of said corporation shall be binding on the stockholders, their successors and assigns: Provided that no stockholder shall be allowed to borrow at said bank until he shall have paid in his full proportion of said sum of one hundred thousand dollars at least; provided also, that no stockholder shall in any case be allowed to borrow more than seventy five per cent on his capital stock so paid in. And said corporation is hereby made capable in law to have, hold, purchase and receive possess and enjoy lands, tenements and hereditaments to the amount of ten thousand dollars and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and

negotiate their monies and effects by discounting on banking principles.—

Sect. 3. And be it further enacted, that the following rules, limitations and provisions shall form and be the fundamental articles of said corporation.

1. That the said corporation shall not issue and have in circulation at any one time, bills notes, or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said bank; and in case any cashier, director or other officer of said bank at any time shall knowingly issue or order, direct or cause to be issued and put in circulation, bills, notes or obligations of said bank, which together with those before issued and then in circulation shall exceed the amount of the capital stock of said bank as aforesaid, such cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars.

2. That dividends may be made semiannually among the stockholders of said bank of interest or profits actually received, but no part of the capital stock of said bank shall be divided among or paid to the stockholders either before or after the expiration of the time limited by this act for the continuance of said corporation without the licence of the Legislature of this State therefor on penalty that any cashier, director or other officer who shall so divide or pay the same, or order, direct or cause the same to be done shall therefor forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars; provided nevertheless that it shall be lawful for the stockholders after having given one year's previous notice of their intention by advertisement in two newspapers published in this State and after payment of all outstanding debts due from said bank, to make division of the capital stock among themselves and thereby dissolve said corporation.—

3. That in case of a diminution or loss of any portion of the sum composing the capital stock of said bank, by any means whatever, it shall be the duty of the directors in their next annual return of the condition of said bank, by law required to be made to the Governor and Council, to State the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made until such loss or diminution shall have been replaced and supplied by assessments and actual payments of the stockholders or by appropriations therefor of the interest and profit actually received.—

4. That said corporation shall not vest, use or improve any of their monies, goods, chattels, or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their possession by way of security, to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said corporation being a citizen

of this State and resident therein shall be eligible for a director: and the directors shall choose one of their own number to act as President, the Cashier before he enters on the duties of his office shall give bond with two or more sureties to the satisfaction of the board of directors in a sum not less than ten thousand dollars with condition for the faithful performance of the duties of his office.

6. That for the well ordering the affairs of said corporation a meeting of the stockholders shall be holden at such place as they shall direct on the first Tuesday of February annually, from and after their first meeting and at any other time during the continuance of said corporation at such place as may be appointed by the President and directors for the time being by public notification being given at least two weeks prior thereto, at which annual meeting there shall be chosen by ballot seven directors to continue in office the year ensuing their election and until others are chosen in their stead; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, provided that no one stockholder shall be entitled to more than twenty votes. Absent members may vote by proxy being authorized in writing signed by the person represented and filed with the Cashier.

7. That no director shall be entitled to any emolument for his services; but the stockholders may make the president such compensation as to them shall appear reasonable.

8. That no less than four directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or necessary absence in which case the directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said bank signed by the president and countersigned by the cashier shall be binding on said corporation.

10. That the directors shall appoint a cashier, clerks and such other officers, agents or servants for conducting the business of the bank with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in the town of Concord in the County of Merrimack.

12. That the legislature shall at all times have the right by persons duly appointed for that purpose to examine into the State and condition and all the doings and transactions of said corporation and of their officers relating to the same; for which purpose all the books and papers of the corporation together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said corporation shall answer on oath if required all suitable and proper interrogatories relating to the State, condition and transactions of said bank.

Sect. 4. And be it further enacted that the said Baruch Chase, John George and Francis N. Fisk, or any two of them may call a meeting of the members of said corporation at such time and place as they may see fit by giving public notice thereof at least two weeks prior to the time of meeting by posting up notifications therefor at some public place in said Concord or by advertisement in one or more newspapers printed therein, for the purpose of making and establishing such bylaws and regulations as the said members may deem necessary and for the choice of the first board of Directors and such other officers as they may see fit to choose.

Sect. 5. And be it further enacted, that all penalties incurred for a breach of any of the provisions of this act may be recovered by information or suit in the name of the State; provided nevertheless that this act shall not take effect until the sixth day of July next.

[CHAPTER 59.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE THE ADJUTANT GENERAL TO PROCURE BOOKS FOR THE USE OF THE OFFICERS OF THE SEVERAL COMPANIES OF ARTILLERY AND CAVALRY.

[Approved December 22, 1824. Original Acts, vol. 28, p. 137; recorded Acts, vol. 23, p. 15. Session Laws, 1824, Chap. 90.]

Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the officers of the several companies of Artillery and Cavalry shall be furnished at the expense of the State, with books relating to the rules and regulations of the discipline of their respective corps; and the Adjutant General of this State is hereby required to procure such books and distribute the same as the Commander in Chief shall direct.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1824, December 10.

Resolved by the Senate and House of Representatives in General Court convened that the Honorable William Plumer Jun^r be appointed an agent on the part of this State to adjust the claim against the United States, at the Session of Congress commencing on the first monday of December instant—and that His Excellency the Governor be requested to give him such instructions in relation thereto as he may deem expedient

[Senate Journal, November Session, 1824, p. 55. Original Acts, vol. 28, p. 138.]

1824, December 15.

Resolved by the Senate and House of Representatives in General Court convened that the use of Medical College in Hanover be granted to Reuben D. Mussey, Daniel Oliver James F. Dana and such others, as are or may be Professors of the New Hampshire Medical Institution, until the Legislature shall otherwise direct upon the following conditions to wit,

1 That the said Professors, out of the rents and profits of said building shall keep the same in good repair.

2 That they apply the surplus of said rents and profits (if any remain after deducting the cost of said repairs) towards the establishment of an Infirmary in said Hanover for the gratuitous relief of such persons as may apply for medical or surgical assistance

3 That from and after the month of June next, they render an account annually to the Governor and Council of the rents and profits of said building, and of the expenditure of the money so received.

And the said Reuben D. Mussey Daniel Oliver, and James F. Dana are appointed the agents of the State to have the care of said building until the Legislature shall otherwise direct; provided however that they shall receive no compensation for their services as such agents—

[House Journal, November Session, 1824, p. 272. Senate Journal, November Session, 1824, p. 86. Original Acts, vol. 28, p. 139.]

1824, December 16.

Resolved by the Senate and House of Representatives in General Court convened that the Treasurer of this State be and he hereby is authorised to convey to William C. Ford of Bartlett all the right and title the State of New Hampshire has in and unto a tract of land situated in said Bartlett and bounded as follows beginning at a beech tree marked with the letters I.W. W.C.F thence south sixty two degrees east one hundred rods to a beech tree marked with the letters S.M.—W.C.F. thence South ten degrees west one hundred and sixty one rods to a beech tree marked with the letters S.E.—W.C.F thence north sixty two degrees west one hundred rods to a white pine tree, thence north ten degrees east one hundred and sixty one rods to the first mentioned bonds containing One hundred acres. Provided the said William C. Ford shall within the term of one year pay into the treasury of this State the sum of forty Dollars

[House Journal, November Session, 1824, p. 299. Senate Journal, November Session, 1824, p. 97. Original Acts, vol. 28, p. 140.]

1824, December 16.

Resolved by the Senate and House of Representatives in General Court convened that the Treasurer of this State be and he hereby is authorised to convey to John Emery of Bartlett all the right and title the State of New Hampshire has in and unto a tract of land situated in said Bartlett adjoining and lying west of land granted by this State to Sylvanus Emery and bounded as follows, beginning at an ash tree, standing on the North Bank of Rocky Branch, so called, thence north one hundred and sixty

rods to a maple tree, thence west thirty eight rods to a hemlock tree marked, thence south one hundred and sixty rods, thence east thirty eight rods, to the bounds first mentioned containing thirty eight acres

Provided the said John Emery shall within the term of one year pay into the Treasury of this State the sum of nineteen Dollars—

[House Journal, November Session, 1824, p. 300. Senate Journal, November Session, 1824, p. 97. Original Acts, vol. 28, p. 141.]

1824, December 21.

Sect. 1. Resolved by the Senate and House of Representatives, in General Court convened, that the towns of Colebrook and Columbia be classed for the purpose of sending a representative to the General Court of this State, and the said town of Colebrook is hereby authorized to call the first meeting of said district and that the meetings shall be holden alternately in Colebrook and Columbia.

Sect. 2. And be it further resolved, that the places called Dixville, Millsfield, Errol and First College grant be classed with Stewartstown for the purpose of sending a representative to the General Court of this State and that the town of Stewartstown is hereby authorized to call the first meeting of said district and that the meetings of said district shall be holden in Stewartstown until otherwise ordered by the Legislature, any act or resolve to the contrary notwithstanding.—

[House Journal, November Session, 1824, p. 413. Senate Journal, November Session, 1824, p. 132. Original Acts, vol. 28, p. 142.]

1824, December 22.

1 Resolved by the Senate and House of Representatives in General Court convened, that His-Excellency the Governor be and he is hereby requested to make known to the Senators and Representatives of this State in the Congress of the United States, the anxious desire of the Legislature and people of this State, that such measures may be adopted in relation to that part of the late message of the President of the United States, which refers to the services and sacrifices of Gen LaFayette during our Revolutionary Struggle as will reflect most honour upon our Country and upon its illustrious guest.

2 And be it further resolved that His-Excellency the Governor be and he is hereby requested to renew his invitation to General LaFayette to visit the seat of government during the next Session of the Legislature and allow its members the honor of publicly expressing those sentiments of gratitude for his services and of admiration for his whole character which they entertain in common with all whom they represent.

3 And be it further resolved that His Excellency the Governor be and he hereby is requested, to cause such arrangements to be made for the reception and accommodation of Gen LaFayette during his visit to this State as will most consult his health and convenience and best express the universal feelings of joy which his visit will occasion—

[House Journal, November Session, 1824, p. 488. Senate Journal November Session, 1824, p. 141. Original Acts, vol. 28, p. 143.]

1824, December 22.

Resolved by the Senate and House of Representatives in General Court convened that the Treasurer of this State be and he hereby is authorized, with the advise and consent of the Governor at any time before June 1. 1825 to invest in the funded debt of the United States, or to loan upon unquestionable security any sum or sums of money in the Treasury not appropriated upon such conditions as that the same may be repaid into the Treasury whever it is wanted for the use of the State; and in case any such sum, or sums be invested in the funded debt of the United States as aforesaid that the Treasurer be authorized with the advise and consent of the Governor as aforesaid, to sell such funded debt, whenever the money so invested be wanted for the service of the State

[House Journal, November Session, 1824, p. 492. Senate Journal, November Session, 1824, p. 139. Original Acts, vol. 28, p. 144.]

1824, December 22.

1. Resolved by the Senate and House of Representatives in General Court convened, that all the land north of the 45th degree of North latitude which has been at any time supposed to be within the limits of this State and which is not known and established to be within the State of Vermont or Maine, or within the province of Lower Canada, shall be taken and deemed to be within the limits and under the jurisdiction of this State, and shall constitute a part of the county of Coos

2. And be it further resolved that all the right and interest which the State of New Hampshire hath or may have to such parts of the tract or parcel of land situate in said State north of the 45th degree of North latitude, commonly called King Philip's grant which are now in the possession of any actual settler, his heirs and assigns—provided however that no such actual settler shall be quieted in his title under this resolution for more than two hundred acres; excepting Jeremiah Taber Esq. who is hereby quieted in his title, as to any claim this State to such of said lands as are in his actual possession, not exceeding five hundred acres, and Nathaniel Perkins, Esquire who is hereby quieted in his title, as to any claims by this State, to such of said lands as are in his actual possession, not exceeding seven hundred acres. Provided however, that nothing herein contained shall affect any action or process, now pending in the Superior Court of Judicature, in the name or behalf of the State against any such settler, but said court shall proceed in the same to final judgement: and in case such judgement shall be rendered against such settler, no writ of restitution, execution, or other process shall be issued on such judgment, without the further order of the Legislature.

[House Journal, November Session, 1824, p. 531. Senate Journal, November Session, 1824, p. 152. Original Acts, vol. 28, p. 145.]

[THIRTY-FOURTH GENERAL COURT.]

[*Held at Concord, One Session, June 1, 1825, to July 2, 1825.*]

[OFFICERS OF THE GOVERNMENT.]

DAVID L. MORRIL, GOVERNOR.
 RICHARD BARTLETT, SECRETARY.
 DUDLEY S. PALMER, DEPUTY SECRETARY.
 WILLIAM PICKERING, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 MATTHEW HARVEY, PRESIDENT OF THE SENATE.
 HENRY HUBBARD, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Langley Boardman,	Portsmouth.
Daniel Hoit,	Sandwich.
John Wallace, Jr.,	Milford.
Thomas C. Drew,	Walpole.
Caleb Keith,	Wentworth.

[MEMBERS OF THE SENATE.]

William Claggett,	Portsmouth.
John Brodhead,	Newmarket.
Thomas Chandler,	Bedford.
Hall Burgin,	Allenstown.
Andrew Peirce,	Dover.
Benning M. Bean,	Moultonborough.
Jesse Bowers,	Dunstable.
Matthew Harvey,	Hopkinton.
Phineas Handerson,	Chesterfield.
Stephen Johnson,	Walpole.
Diarca Allen,	Lebanon.
Stephen P. Webster,	Haverhill.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Atkinson and }	Joseph Little.
Plaistow, }	
Brentwood,	Andrew Dudley.
Candia,	John Lane.
Chester,	Samuel Aiken.
	Samuel D. Bell.

Deerfield,	Gilbert Chadwick.
	Daniel Haynes.
East Kingston and } South Hampton, }	Joseph Currier.
Epping,	Samuel Lawrence.
Exeter,	Jeremiah Dow.
	Oliver W. B. Peabody.
Greenland,	Joseph Weeks.
Hampton Falls,	Thomas Leavitt.
Hawke and } Sandown, }	Abraham S. French.
Kensington,	Newell Healey.
Kingston,	William Webster.
Londonderry,	William Choate, Jr.
	Robert Mack.
	James Thom.
Newcastle,	George Bell.
Newington,	Cyrus Frink.
Newmarket,	Arthur Branscomb.
North Hampton,	Ebenezer Leavitt.
Northwood,	Joel B. Virgin.
Nottingham,	Bradbury Bartlett.
Poplin,	Joseph Godfrey.
Portsmouth,	Samuel E. Coues.
	Daniel P. Drown.
	Abner Greenleaf.
	John N. Sherburne.
	Levi Woodbury.
Raymond,	John Folsom.
Rye,	Joseph Lock, 4th.
Salem,	John Clindenin.
Seabrook,	John Lock.
Stratham,	Noah Piper.
Windham,	Jeremiah Morrison.

STRAFFORD COUNTY.

Barnstead,	John Kaime.
	John Peavey.
Barrington,	David Winkley.
Burton,	Enoch Merrill.
Center Harbor,	Jonathan S. Moulton.
Conway,	James Willey.
Dover,	James Bartlett.
	Robert Rogers.
	John Williams.
Durham,	John Mooney, Jr.

Eaton,	John March.
Effingham,	James Lord.
Farmington,	Joseph Hammons.
Gilmanton,	Daniel Gale, 3d.
	Charles Parker.
	William Prescott.
Gilford,	Barnard Morrill.
Lee,	Gardner Towle.
Madbury,	Elijah Austin.
Meredith,	Stephen Gale.
	Washington Smith.
Milton,	Hanson Hayes.
Moultonborough,	Isaiah G. Orne.
New Durham,	Thomas Tash, Jr.
New Hampton,	Nicholas M. Taylor.
Ossipee,	Ezekiel Wentworth.
Rochester,	David Barker, Jr.
	Joseph Cross.
Sanbornton,	James Clark.
	Matthew Perkins.
Sandwich,	Neal McGaffrey.
	George F. Marston.
Somersworth,	William W. Rollins.
Strafford,	Tobias Roberts.
Tamworth,	Ford Whitman.
Tuftonborough,	John Piper, Jr.
Wakefield,	Henry L. Wiggin.
Wolfeborough,	John C. Young.

MERRIMACK COUNTY.

Allenstown,	Andrew O. Evans.
Andover,	Robert Barber.
Boscawen,	Hezekiah Fellows.
	Ezekiel Webster.
Bow,	David White.
Bradford,	Daniel Millen.
Canterbury,	Leavitt Clough.
Chichester,	David M. Carpenter.
Concord,	Richard Bradley.
	Francis N. Fisk.
Dunbarton,	John Stinson.
Epsom,	William Ham, Jr.
Fishersfield,	Jonathan P. Dodge.
Henniker,	Moses Brown.
	Enoch Darling.

Hooksett,	Samuel Head.
Hopkinton,	Charles Chase.
	Nathaniel Knowlton.
Loudon,	Nathan Batchelder.
New London,	Moses L. Harvey.
Northfield,	Jeremiah Smith.
Pembroke,	Boswell Stevens.
Pittsfield,	Ebenezer Knowlton.
Sutton,	Benjamin Wadleigh.
Warner,	Caleb Buswell.
	Timothy Flanders.
Wilmot,	Jabez Youngman.

HILLSBOROUGH COUNTY.

Amherst,	Edmund Parker.
Antrim,	Amos Parmenter.
Bedford,	William Riddle.
Brookline,	Thomas Bennett.
Deering,	William McKean.
Dunstable,	Benjamin F. French.
Francestown,	Alexander Wilson.
Goffstown,	Robert Hall.
Greenfield,	William Whittemore.
Hancock,	Joseph Symonds.
Hillsborough,	Andrew Sargent.
Hollis,	Benjamin M. Farley.
Litchfield,	Joseph Chase.
Lyndeborough,	Joseph Jones.
Manchester,	Frederick G. Stark.
Mason,	Josiah Russell.
Merrimack,	Henry T. Ingalls.
Milford,	Stephen Peabody.
Mont Vernon,	John Bruce.
New Boston,	Benjamin Fairfield.
New Ipswich,	Charles Barrett.
Nottingham West,	Caleb S. Ford.
Pelham,	James Hobbs.
Peterborough,	Jonathan Smith.
Sharon,	James Law.
Society Land,	Joseph Chapman.
Temple,	David Stiles.
Weare,	Amos W. Bailey.
	Tristram Eaton.
Wilton,	Samuel Abbot.

CHESHIRE COUNTY.

Acworth,	David Blanchard.
Alstead,	Ezra Kidder.
Charlestown,	Henry Hubbard.
Chesterfield,	John Kneeland.
Claremont,	Jonathan Nye.
	Thomas Woolson.
Cornish,	Eleazer Jackson.
Croydon,	Amos Hall.
Dublin,	Joseph Appleton.
Fitzwilliam,	Levi Chamberlain.
Gilsum and } Surry, }	Luther Whitney.
Goshen,	Reuben Willey.
Grantham,	James Smith.
Hinsdale,	Abraham Hinds.
Jaffrey,	Oliver Prescott.
Keene,	Joel Parker.
	James Wilson, Jr.
Langdon,	Needham Angier.
Lempster,	William Carey.
Marlborough,	Joseph Frost.
Marlow,	Elisha Huntley.
Nelson,	Ezra Wardwell.
Plainfield,	Reuben True.
Richmond,	Joseph Newell.
Rindge,	Ezra Thomas.
Roxbury,	Samuel Griffin.
Springfield,	John Quimby.
Stoddard,	Francis Matson.
Sullivan,	John Wilson.
Swanzey,	Elijah Sawyer.
Troy,	Daniel W. Farrar.
Unity,	James A. Gregg.
Walpole,	Josiah Bellows, 2d.
Washington,	David Farnsworth.
Wendell,	Thomas Pike.
Westmoreland,	Larkin Baker.
Winchester,	Horace Chapin.

GRAFTON COUNTY.

Alexandria,	William Crawford.
Bath,	Ira Goodall.
Bridgewater,	Joseph Prescott.

Bristol,	Joseph Flanders.
Campton,	John Rogers.
Canaan,	Daniel Blaisdell.
Danbury,	Walter Sherwell.
Dorchester,	Caleb Blodgett.
Ellsworth,	Stephen Avery.
Enfield,	Robert Cochran.
Franconia,	Samuel Burnham.
Grafton,	Daniel Bartlett.
Groton,	Thomas Page.
Hanover,	John Durkee.
	Mills Olcott.
Haverhill,	Samuel Cartland.
Holderness,	Walter Blair.
Landaff,	Daniel Clark.
Lebanon,	William Benton.
	Samuel Young.
Lisbon,	Jonathn Bowles.
Littleton,	Nathaniel Rix, Jr.
Lyman,	John Moulton.
Lyme,	Nathaniel Lambert.
New Chester,	Daniel Favor.
Orford,	John Rogers.
Piermont,	Edmund Stevens.
Plymouth,	Joseph Weld.
Rumney,	Josiah Quincy.
Thornton,	Enoch Colby, Jr.
Warren,	Abel Merrill.
Wentworth,	Jonathan Eames.

COOS COUNTY.

Adams and }	Stephen Meserve.
Bartlett, }	
Colebrook and }	Ephraim H. Mahurin.
Columbia, }	
Dalton,	Ebenezer Rix.
Jefferson, }	
Randolph, }	
Kilkenny, }	
Shelburne, }	Barker Burbank.
Shelburne Addition, }	
Bretton Woods and }	
Nash and Sawyer's }	
Location, }	
Lancaster,	John Willson.

Northumberland,	}	
Piercy,	}	Joshua Marshall.
Stratford and	}	
Milan,	}	
Stewartstown,	}	
Dixville,	}	
Millsfield,	}	Jeremiah Eames.
Errol and	}	
First College Grant,	}	

[*First Session held at Concord, June 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, July 1, 2, 1825.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE FIRST RELIGIOUS LIBRARY IN GILMANTON.

[Approved June 14, 1825. Original Acts, vol. 29, p. 1; recorded Acts, vol. 23, p. 16.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Samuel B. French, Jacob Sanborn and William Prescott their associates and those who may hereafter become associated with them and their successors be and they hereby are created and made a body corporate and politic by the name of the First Religious Library in Gilmanton with continuance and succession forever and by that name may sue and be sued, prosecute and defend to final judgment and execution, and for the purpose of establishing and maintaining a religious library in Gilmanton, may purchase and hold personal estate to any amount not exceeding One Thousand Dollars, and the same may sell, convey and dispose of at pleasure, may have a common seal and the same break, alter and renew at pleasure, and enjoy all the priveleges and be subjected to all the liabilities of corporations of a similar nature.

Sec 2 And be it further enacted that said Samuel B. French, Jacob Sanborn and William Prescott or either two of them may call the first meeting of said Corporation by giving notice thereof at least ten days prior to the time of meeting by posting up in two public places in said Gilmanton a written advertisement of the time and place of holding the same; at which or at any subsequent meeting said Corporation may establish such rules and by-laws as they may think proper.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE THE NEW-HAMPSHIRE IRON FACTORY COMPANY TO INCREASE THE NUMBER OF SHARES IN THEIR CAPITAL STOCK AND FOR OTHER PURPOSES.

[Approved June 14, 1825. Original Acts, vol. 29, p. 2; recorded Acts, vol. 23, p. 17. See acts of December 21, 1805, Laws of New Hampshire, vol. 7, p. 440; June 18, 1810, id., p. 868; June 16, 1814, id., vol. 8, p. 305; June 29, 1818, id., p. 740; June 11, 1819, id., p. 755; June 29, 1819, id., p. 808; July 1, 1829, Acts, vol. 27, p. 64; June 30, 1860, Session Laws, 1860, Private Acts, Chap. 2447; July 4, 1861, id., 1861. Private Acts, Chap. 2560, and August 9, 1881, id., 1877-81, p. 598.]

Sec I Be it enacted by the Senate and House of Representatives in General Court convened; that the New Hampshire Iron Factory Company be and they hereby are authorized and empowered to divide the capital stock of said Company into any number of shares not exceeding two thousand, which shall be determined on at any legal meeting of the stockholders, which may be duly notified and holden for that purpose, after the passing of this act; any thing in their original act of Incorporation, or any subsequent acts in addition thereto to the contrary notwithstanding.

Sec II And be it further enacted; that the Treasurer of said Corporation shall be, and hereby is authorized upon receiving the original certificates, to issue new certificates of ownership to the several stockholders for the proportional number of shares to which they will respectively be entitled in the new division of the capital stock which shall be made pursuant to this act. And no owner of any original share or shares of said stock shall be entitled to vote in the meetings of said Company, or to receive any dividend upon his share or interest therein until his original certificate or certificates shall be surrendered and new certificates taken under this act. Provided however that the expenses of the first issuing of such new certificates shall be a charge upon the general funds of said Corporation and not upon the individual Stockholders.

Sec III And be it further enacted; that the Directors of said Corporation for the time being shall be and hereby are authorized to purchase any share or shares which may be sold for the non-payment of assessments legally made for the Corporation; Provided they shall in no case give a greater sum than the amount of assessments and costs due on such shares; and to sell the same share or shares so purchased, at private sale or otherwise for the benefit of said Corporation.

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE FITZWILLIAM ENGINE COMPANY.

[Approved June 16, 1825. Original Acts, vol. 29, p. 3; recorded Acts, vol. 23, p. 19.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Jacob Felton Curtis Coolidge Daniel Reed Peletiah M. Everett John J. Allen, their associates and successors be and they hereby are incorporated and made a body politic by the name of the Fitzwilliam Engine Company; and by that name are hereby vested with all the powers and privileges and subjected to all the duties and liabilities of similar corporations

Sec 2 And be it further enacted that said corporation is authorized and empowered to hold and possess real and personal estate not exceeding in value the sum of one thousand Dollars and to sell or otherwise dispose of the same as they may see fit—

Sec 3 And be it further enacted, that Jacob Felton Curtis Cooledge and Daniel Reed or any two of them may call the first meeting of said Company at any suitable time and place in said Fitzwilliam by posting up at some publick place in said town a notice in writing of the time, place, and object of said meeting at least three days previous to the time of holding the same at which meeting the members may do and transact any business necessary to carry into effect the objects of their association.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NEW-IPSWICH FIRE ENGINE COMPANY NUMBER ONE

[Approved June 16, 1825. Original Acts, vol. 29, p. 4; recorded Acts, vol. 23, p. 20.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that James W. Bliss and his associates and successors be and they hereby are incorporated and made a body politic, by the name of the New Ipswich Engine Company No 1 and by that name are hereby vested with all the powers and privileges and subjected to all the duties and liabilities of similar corporations.

Sec 2 And be it further enacted that said Corporation is authorized and empowered to hold and possess real and personal estate not exceeding in value One Thousand Dollars and to sell or otherwise dispose of the same as they may see fit.

Sec 3 And be it further enacted that James W. Bliss may call the first meeting of the corporation at any suitable time and place in said New-Ipswich, by posting up at some publick place in said town, a notice in writing of the time, place and object of said meeting at least three days previous to the time of holding the same, at which meeting the members may do and transact any business necessary to carry into effect the object of their association.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
NEW MARKET SACRED MUSICAL SOCIETY

[Approved June 16, 1825. Original Acts, vol. 29, p. 5; recorded Acts, vol. 23, p. 21.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Preserved Robinson, Columbus Warren and George Dearborn and their associates, and those who may hereafter become associated with them, be and they hereby are incorporated into and made a body politic and corporate by the name and style of the New Market Sacred Musical Society, subject to all the liabilities and with all the privileges incident to corporations of a similar nature.

Sec 2 And be it further enacted, that said Preserved Robinson may call the first meeting by giving three days personal notice thereof to the members of said society, at which meeting they may proceed to the choice of a Clerk and such other officers as may be deemed necessary for the government of said society and may pass by-laws and regulations, not repugnant to the laws of the State, and may agree on the manner of calling and governing future meetings and do and transact any business deemed necessary and convenient for the due organization of the Society.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE PROPRIETORS OF THE INDIAN HEAD FACTORIES

[Approved June 20, 1825. Original Acts, vol. 29, p. 6; recorded Acts, vol. 23, p. 23.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Charles C. Haven Asher Benjamin, William H. Ward and Edmund Baylies and such other persons as shall associate with them, and their successors and assigns shall be and hereby are constituted and made a Corporation by the name of the Proprietors of the Indian Head Factories and by that name may sue and be sued, prosecute and defend to final judgment and execution; and may have and use a common seal and the same may alter and renew at pleasure; and may also make, ordain and put in execution such by-laws and regulations (not being contrary to the Constitution and laws of this State) as shall be necessary, proper and convenient for the government of said Corporation and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers which by-laws are incident to corporations of a similar nature.

Sec 2 And be it further enacted; that the said Corporation be and the same hereby is empowered to establish manage and carry on the manufacture of Woolen and other lawful manufactures on and near the Nashua River in Dunstable and also any and all such branches of manufacture and trade as can be conveniently managed and carried on by said Company or Corporation, and to purchase, take hold and convey real and personal estate of every kind to such amount as they may find necessary or convenient in the management of their concerns, provided the same shall not exceed the sum of Five Hundred Thousand Dollars and the same to manage, improve change and sell at their pleasure and to erect on the real estate to be purchased and held by them as aforesaid such dams, canals, mills, buildings, machines and works as they may deem necessary or useful in carrying on and managing their manufactories and works, and in conducting the business of the Corporation.

Sec 3. And be it further enacted; that the said Charles C. Haven may call the first meeting of the Corporation by giving three days previous notice to each of the persons who is associated with him in obtaining this charter; or by publishing the same in two of the public newspapers printed in Boston seven days at least before said meeting; at which meeting a clerk shall be chosen, who shall

be sworn faithfully to discharge the duties of his office; and it shall be his duty to record the doings and proceedings of said Corporation; and to perform such other services as the by-laws of said Corporation may require; and at the same or any subsequent meeting duly holden the members or associates of said Corporation may prescribe and agree on the manner of calling, holding, and managing future meetings may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the mode or manner in which the shares in their capital stock shall be holden, and how the same shall be transferred; may make or provide for the making of assessments on the shares from time to time as occasion may require, and fix the time for the payment of the same; may appoint and constitute such officers servants and agents of the said Corporation as they shall think necessary, and prescribe their respective duties, and may do or transact any matter or thing relating to the property, business or concerns of the said Corporation.

Sec 4 And be it further enacted; that at all meetings of the members of said Corporation duly notified and holden each member shall be entitled to cast one vote for each share that he may be the owner and holder of in said Corporation, on all questions that may come before such meetings, and absent members may be represented and vote at such meetings by an agent for that purpose duly authorized by writing signed by the member or members to be represented, which writing shall be filed with the Clerk of said Corporation:—and at such meetings all questions shall be decided by a majority of votes cast. Provided however that in the assessment of taxes on the shares in said Corporation two thirds of the votes cast shall be required to make such assessment binding on the members of said Corporation.—

Sec 5 And be it further enacted; that the shares in the capital or joint stock of the corporation shall be liable and holden for the payment of all assessments legally made thereon; and in case of neglect of any member to pay the assessments on his share or shares the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments may be sold or transferred for the payment of the same in such way or manner as shall be prescribed by the by laws or regulations of said Corporation. Provided nevertheless that nothing in this act shall in any wise affect or impair any rights or privileges heretofore granted by the Legislature of this State to any individual or corporation.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE SAMUEL HUTCHINGS AND OTHERS INTO A RELIGIOUS SOCIETY, CALLED AND KNOWN BY THE NAME OF THE FIRST METHODIST EPISCOPAL SOCIETY IN PORTSMOUTH" APPROVED DEC. 15. 1808.

[Approved June 20, 1825. Original Acts, vol. 29, p. 7; recorded Acts, vol. 23, p. 26. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 723.]

Be it enacted by the Senate and House of Representatives in General Court convened; that the members of said Society be and hereby are authorized and empowered at their annual or any other meeting legally holden for that purpose, to order an assessment of such sum or sums as to them may seem just and necessary upon the Pews in the Meeting-House now belonging to said Society or upon the Pews in any Meeting-House which the said Society may hereafter purchase or build and to levy and collect the same, and to apply the proceeds of such assessments to the support of the gospel ministry in said Society. And in case the owner or owners of any of said Pews shall refuse or neglect to pay the sum or sums assessed thereon as aforesaid after the same shall have become payable agreeably to the vote or order of said society the said Pew or Pews whereon, an assessment has been made and payment thereof refused or neglected as aforesaid, may be sold or disposed of at public auction for such term of time as will be necessary to raise the sum or sums assessed thereon, with incidental charges, under such regulations as said Society in its by-laws shall have prescribed.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE GOFFSTOWN SACRED MUSICK SOCIETY.

[Approved June 20, 1825. Original Acts, vol. 29, p. 8; recorded Acts, vol. 23, p. 28.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Jonathan Aiken Charles F. Gove and Benjamin H. Pitman, and their associates and successors be and they hereby are made a Corporation by the name of the "Goffstown Sacred Music Society" with power to hold personal

estate not exceeding Five Hundred Dollars in amount for the support and improvement of sacred musick in the town of Goffstown, and with all other powers and privileges incident to such Corporations.

Sec 2 And be it further enacted; that Jonathan Aiken may call the first meeting of the members of said Corporation by giving notice of the time and place of holding the same at least one week prior thereto by posting up a notification thereof at the meeting-house in said Goffstown.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
DUBLIN JUVENILE LIBRARY SOCIETY.

[Approved June 20, 1825. Original Acts, vol. 29, p. 9; recorded Acts, vol. 23, p. 29.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Richard Strong, Joseph Appleton and Cyrus Piper with their associates and successors, be and they are hereby incorporated into a society by the name of the Dublin Juvenile Library Society to have continuance and succession forever and be vested with all powers and privileges incident to similar corporations.

Sec 2 And be it further enacted that said Society shall at their first meeting choose a Clerk, Treasurer, Librarian and a board of Directors, may choose such other officers as they may think expedient and may make such rules and by-laws as they may deem proper provided they are not contrary to the laws of this State.

Sec 3 And be it further enacted that the aforesaid Richard Strong Joseph Appleton and Cyrus Piper or either two of them may call the first meeting of said Society, by posting up a notification thereof for that purpose at the centre meeting house in said Dublin twelve days previous to the time of holding said meeting, at which they shall agree upon the manner of calling future meetings and the time and place of holding their annual meeting.

Sec 4 And be it further enacted that said Library shall be deposited at such place or places as the majority of the proprietors may think expedient. And said society may hold estate real or personal to the amount of one thousand dollars for the use and benefit of said Society.

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE WILLIAM H. Y. HACKETT AND OTHERS
INTO A COMPANY BY THE NAME OF THE PORTSMOUTH COMMERCIAL
READING ROOM.

[Approved June 20, 1825. Original Acts, vol. 29, p. 10; recorded Acts, vol. 23, p. 30.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that William H. Y. Hackett Ebenezer L. Childs, Samuel E. Coues George Sparhawk William L. Pickering Charles W. Cutter Alfred W. Haven George M. Mason and Augustus Lord with their associates and such other persons as may hereafter become associated with them and their successors be and they hereby are created a body politic and corporate and shall forever hereafter continue a body politic and corporate by the name of the Portsmouth Commercial Reading Room and by that name may sue and be sued, plead and be impleaded prosecute and defend to final judgment and execution and they hereby are invested with all the powers and privileges and subjected to all the liabilities of corporations of a similar nature.

Sec 2 And be it further enacted, that said Corporation for the purpose of establishing and maintaining a Reading Room in the town of Portsmouth is hereby made capable in law of purchasing and holding real and personal estate to any amount not exceeding Five Thousand Dollars and the same may sell alienate and dispose of at pleasure.

Sec 3 And be it further enacted that the said William H. Y. Hackett Ebenezer L. Childs and Samuel E. Coues or either two of them may call the first meeting of said Corporation at such time and place in said Portsmouth as they may think proper by giving notice one week previous to holding the same by advertisement in the Portsmouth Journal, at which or at any subsequent meeting of the members of said Corporation they may establish such rules and by-laws for their government as they may think proper.

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MEMBERS OF THE TROY LIBRARY ASSOCIATION

[Approved June 20, 1825. Original Acts, vol. 29, p. 11; recorded Acts, vol. 23, p. 32.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Timothy Kendall, Lyman Wright, Salmon Whittemore and Daniel W. Farrar, their associates and successors be and they are hereby incorporated and made a body politic by the name of the Troy Library Association and by that name may sue and be sued, and be known and distinguished in all their acts and proceedings, and hereby are vested with the powers and privileges and subject to the liabilities of similar corporations.

Sec 2 And be it further enacted that the said Timothy Kendall Lyman Wright and Salmon Whittemore or any two of them may call the first meeting of said Corporation at any suitable time and place by posting up at the meeting-house in said Troy a notification for that purpose at least fourteen days before the time of holding said meeting at which meeting said corporation shall choose a Librarian and determine the manner of calling future meetings and the time of holding their annual meetings, and at the same or any subsequent meeting may choose all necessary officers, pass by-laws, order assessments, fix the time of payment and prescribe the manner of collecting them, and do and transact any business in relation to and for the promotion of the beneficial purposes contemplated by this association.

Sec 3 And be it further enacted that said Corporation may receive and hold by purchase gift or otherwise, personal estate to any amount not exceeding One thousand Dollars and the same may expend in procuring books maps and whatever else may promote the advancement of science and literature and tend to the diffusion of useful knowledge among the members thereof.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE FIRST FIRE ENGINE COMPANY IN
MERRIMACK

[Approved June 20, 1825. Original Acts, vol. 29, p. 12; recorded Acts, vol. 23, p. 33.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that James Riddle, Samuel Clapp and Daniel L. Herrick their associates and successors, be and they hereby are created and made a Corporation by the name of the First Fire Engine Company in Merrimack, with power to hold any estate to the amount of one thousand Dollars; to make and establish by-laws for their regulation and government; and to exercise, hold and enjoy all other powers, privileges and immunities incident or common to similar corporations.

Sec 2 And be it further enacted that the said James Riddle Samuel Clapp and Daniel L. Herrick or any two of them may call the first meeting of said Corporation by giving personal notice to each member thereof, at least three days prior to such meeting, of the time and place of holding the same.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE GRAND LODGE OF THIS STATE.

[Approved June 20, 1825. Original Acts, vol. 29, p. 13; recorded Acts, vol. 23, p. 34. See also act of December 30, 1805, Laws of New Hampshire, vol. 7, p. 485.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That the Master, Wardens, and other officers and members of the Grand Lodge of this State, be, and they hereby are incorporated and made a body politic forever by the name of The Grand Lodge of the State of New-Hampshire; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and hereby are vested with all the powers and privileges incident to similar corporations, and which may be necessary to carry into effect the benevolent purposes of their institution.

Sec. 2. And be it further enacted, That the said Grand Lodge may summon and hold their meetings at such times and places as

they may deem proper; may elect their officers; ordain, establish and put in execution such by-laws, ordinances and resolutions, not contrary to the laws of this State, as to them may seem necessary and convenient for their own regulation, and for the regulation and government of the subordinate Lodges under the jurisdiction of said Grand Lodge. They may also purchase and hold in fee simple so much real estate as may be necessary whereon to erect a suitable building for the accommodation of their assemblies, and personal estate to any amount not exceeding ten thousand dollars; and the same may from time to time sell, convey and appropriate to such charitable purposes as to said Lodge may seem proper.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT GRANTING TO THE PROPRIETORS OF NEW HAMPSHIRE AND VERMONT BRIDGE COMPANY A FURTHER TIME OF ERECTING A BRIDGE OVER AND ACROSS CONNECTICUT RIVER BETWEEN CHESTERFIELD IN THIS STATE AND DUMMERSTON IN THE STATE OF VERMONT—

[Approved June 20, 1825. Original Acts, vol. 20, p. 14; recorded Acts, vol. 23, p. 36. See acts of June 19, 1817, Laws of New Hampshire, vol. 8, p. 603, and July 4, 1829, Acts, vol. 27, p. 194.]

Whereas the Legislature of this State at their Session in June Anno-Domini 1817 did incorporate Ebenezer Stearns, Robert L. Hurd, Preston Farwell Luther Gilson Samuel Gilson Jerre Lyons, Calvin Gilson, Marcus Holbrook and Henry White, into a body politic by the name of proprietors of the New Hampshire and Vermont Bridge Company for the purpose of erecting a Bridge over Connecticut river between Chesterfield in this State and Dummerston in the State of Vermont with a Proviso that said Bridge should be built within four years from passing the act for that purpose which term has expired and whereas said proprietors have petitioned the General Court for the renewal of their charter praying that a further term may be granted them for building said Bridge which prayer appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened; that a further term of four years from the passing of this act be granted to said proprietors for the purpose of building said Bridge and that said proprietors have all rights and privileges exclusively which were granted to them by the former act in as ample a manner as they would have had if said Bridge had been completed within said term of four years any thing in said act to the contrary notwithstanding.

And be it further enacted that the rates of toll be collected for passing said Bridge when completed shall be the same as was established in and by said former act provided that said Bridge shall be completed within four years from the passing of this Act.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT TO REPEAL AN ACT ENTITLED AN ACT IN ADDITION TO THE LAWS OF THIS STATE RESPECTING PAUPERS PASSED DECEMBER TWENTIETH ONE THOUSAND SEVEN HUNDRED AND NINETY SEVEN.

[Approved June 20, 1825. Original Acts, vol. 29, p. 15; recorded Acts, vol. 23, p. 37. Session Laws, 1825, Chap. 15. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 468.]

Be it enacted by the Senate and House of Representatives in General Court convened; that an act entitled an act in addition to the laws of this State respecting paupers passed December twentieth in the year of Our Lord One thousand seven hundred and ninety seven, be, and the same hereby is repealed.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR MENDING AND REPAIRING HIGHWAYS IN THIS STATE.

[Approved June 20, 1825. Original Acts, vol. 29, p. 16; recorded Acts, vol. 23, p. 38. Session Laws, 1825, Chap. 16. The act referred to is probably dated February 27, 1786, Laws of New Hampshire, vol. 5, p. 117. See also acts of June 20, 1806, *id.*, vol. 7, p. 537, and July 3, 1823, *ante*, p. 248. Repealed by act of July 3, 1829, Session Laws, 1829, Chap. 48.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the Surveyors of highways shall be considered as commencing their office the first day of May next following their appointment in March and to continue in office for the term of one year from the time of commencing said office and until the orders in their warrants shall have been complied with And the selectmen shall, on or before the first day of May after the choice of such surveyors, limit their several districts and give to each surveyor a list of each person belonging to his distrect and of their respective proportion of the sum voted to repair the highways.

Sec 2 And be it further enacted that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE THE FIELD OFFICERS OF THE FIFTH REGIMENT OF MILITIA IN THIS STATE WITH THE PERMISSION OF THE BRIGADIER GENERAL OF THE FOURTH BRIGADE TO ORGANIZE ONE COMPANY OF GRENADIERS AT HOLLIS AND ONE COMPANY OF GRENADIERS AT DUNSTABLE.

[Approved June 21, 1825. Original Acts, vol. 29, p. 17; recorded Acts, vol. 23, p. 39. Session Laws, 1825, Chap. 17.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the field officers of the fifth regiment of militia in this State, may, with the consent of the brigadier general of the fourth brigade organize one company of grenadiers at Hollis and one company of Grenadiers at Dunstable in the County of Hillsborough—which companies may consist of forty eight rank and file to be officered armed and equipped in the same manner as companies of infantry now are.

Sec 2 And be it further enacted; that said Companies of Grenadiers when formed agreeably to the provisions of the first section of this act, shall be annexed to the fifth regiment and fourth brigade of militia in this State

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR LAYING A FINE ON TOWN CLERKS AND SHERIFFS NEGLECTING TO MAKE SEASONABLE RETURNS OF VOTES FOR GOVERNOR COUNSELLORS AND SENATORS"

[Approved June 21, 1825. Original Acts, vol. 29, p. 18; recorded Acts, vol. 23, p. 40. Session Laws, 1825, Chap. 18. Laws, 1830 ed., p. 427. The act referred to is probably dated June 17, 1801, Laws of New Hampshire, vol. 7, p. 36. See also act of February 24, 1786, id., vol. 5, p. 112. Repealed December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that it shall be the duty of the Secretary of the State for the time being within thirty days from

and after the day on which by law the votes for electors of President and Vice-President of the United States, and for Representatives to Congress, are to be returned, to transmit to the Attorney-General for the time being a certificate by him signed certifying what towns if any there be, from which he shall not have received, within the time prescribed by law an attested copy of the votes for any or all of the officers aforesaid; which certificate shall be considered as *prima facie* evidence of the return not being legally made to his office; and it shall be the duty of the Attorney-General to prosecute all such delinquent Sheriffs and clerks.

Sec 2 And be it further enacted; that it shall be the duty of the Secretary of the State to furnish to the several town clerks and to the clerks of all bodies corporate with town privileges, on or before the several town meetings for the choice of county and state officers; and also for the choice of Representatives to the Congress of the United States and of electors of President and Vice-President of the United States, printed blanks for the several officers aforesaid, to be used by the said town-clerks for the purpose of making their said returns, together with such instructions as the Secretary may deem necessary, of the time and manner of making the returns aforesaid.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY NAME OF—CHARITY LODGE NUMBER EIGHTEEN

[Approved June 21, 1825. Original Acts, vol. 29, p. 19; recorded Acts, vol. 23, p. 41. See also act of June 25, 1862, Session Laws, 1862, Private Acts, Chap. 2689.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Josiah Ingalls, Levi Chamberlain Amos Hale, Robinson Perkins Daniel Cutting and all persons who may hereafter become members of said Lodge, be and they hereby are made a body corporate and politic forever, by the name of Charity Lodge No. 18, in the towns of Fitzwilliam or Troy; and the said corporation is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of Two Thousand Dollars, and is vested with all the powers, rights and privileges of corporations of a similar nature.

Sec 2 And be it further enacted that the said Josiah Ingalls may call the first meeting of said Lodge by giving personal notice of the time and place of holding the same to each member thereof, or by posting up a notification thereof in some public place in each of the

towns of Fitzwilliam and Troy seven days before the time of holding the same at which meeting, or at any subsequent meeting the members of said Lodge may elect such officers, and adopt such by-laws and regulations not repugnant to the Constitution and laws of this State, as they may deem expedient and necessary to carry into effect the objects of this act.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF PHILESIAN LODGE No 40.

[Approved June 21, 1825. Original Acts, vol. 29, p. 20; recorded Acts, vol. 23, p. 43.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Benjamin Kimball Horace Chapin Eri Pierce Philip Ripley John G. Mudge and all persons who may hereafter become members of said Lodge be and they are hereby made a body corporate and politic forever by the name of Philesian Lodge No, 40, in the Town of Winchester and the said corporation is hereby empowered to hold and possess real and personal estate to an amount not exceeding two thousand dollars, and is vested with all the powers, rights and privileges of corporations of similar nature.

Sec 2 And be it further enacted that Benjamin Kimball, may call the first meeting of said Lodge by giving personal notice of the time and place of holding the same to each member thereof, or by posting up a notification thereof in some public place in Winchester.—at which meeting or at any subsequent meeting, the members of said Lodge may elect such officers and adopt such by-laws and regulations not repugnant to the laws and constitution of this State as they may deem expedient and necessary to carry into effect the objects of this act.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE LEBANON COTTON FACTORY COMPANY

[Approved June 21, 1825. Original Acts, vol. 29, p. 21; recorded Acts, vol. 23, p. 44. See act of December 16, 1824, *ante*, p. 328.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Amos Bugbee. Calvin Ben-

ton, Arad Simonds Samuel Young Ammi B. Young, David Whitman junior, their associates successors and assigns be and they hereby are incorporated and made a body politick by the name of the Lebanon Cotton Factory Company; and by that name may sue and be sued, prosecute and defend to final judgment and execution and be called and known in all cases whatever; and hereby are vested with all the powers and privileges which are by law incident to similar corporations

Sec 2 And be it further enacted; that said Company be and hereby is authorized and empowered to carry on the manufacture of Cotton Goods, and such other branches of business as may be necessarily and conveniently connected therewith at Lebanon in the County; and may erect and construct such mills, mill-dams, buildings and machinery as may be necessary and convenient for carrying on these manufactures.

Sec 3 And be it further enacted, that the said Company may purchase and hold such real and personal estate as may be necessary or useful in conducting the business aforesaid, and for the convenient management thereof upon the present or a more enlarged scale, not exceeding Five Hundred Thousand Dollars and the same may sell and dispose of at pleasure.

Sec 4 And be it further enacted; that the said Amos Bugbee, Calvin Benton, Arad Simonds, or either two of them, may call the first meeting of the members of said Company to be holden at any suitable time and place, by advertisement in either of the newspapers printed at Concord twenty days at least previous thereto, or by giving at least ten days personal notice of the time and place of meeting. At which said first meeting the said members may agree on the manner of calling their future meetings, and at the same or at any subsequent meeting duly notified and holden they may choose a Clerk and all other necessary officers for conducting the concerns of said Company; may divide their capital or joint stock into such number of shares as they may deem proper, and agree upon the manner of transferring them; may order assessments and fix the time of their payment; may pass such by-laws, not being contrary to the laws of the State as they may deem proper for their regulation and government and do and transact any business necessary for carrying into effect the objects of their association. All questions shall be determined by a majority of votes present or represented at any meeting accounting and allowing one vote to each share in all cases, except the raising of money which shall always require three fourths of the whole number of votes present; and absent members may vote by proxy being authorized in writing signed by the person represented and filed with the clerk.

Sec 5 And be it further enacted; that the share or shares in said Company shall be liable and holden for the payment of all assess-

ments duly made thereon; and upon the non-payment thereof within the time fixed for their payment the said share or shares may be sold at publick auction, or, so many of them as may be necessary to pay such Assessments with incidental charges under such regulations as said Company may in its by-laws have prescribed.

[CHAPTER 22.]

State of)
New Hampshire.)

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT, TO INCORPORATE JOSEPH SMITH AND HIS ASSOCIATES BY THE NAME OF THE WINNIPISSEOGEE LAKE STEAM BOAT COMPANY" APPROVED JULY 2, 1823.

[Approved June 21, 1825. Original Acts, vol. 29, p. 22; recorded Acts, vol. 23, p. 46. See act referred to, *ante*, p. 231. See also act of July 7, 1827, *post*.]

Whereas the time allowed by said act of incorporation for carrying into effect the objects therein contemplated, has proved to be insufficient, and whereas the said Joseph Smith has petitioned that a further time may be granted for the purposes aforesaid—Therefore

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that a further time of three years, from and after the first day of May last, be and the same hereby is granted unto the said Winnipisseogee Lake Steam Boat Company for the purpose of putting into operation and use, on said Lake, a Steam boat or Steam vessel, agreeably to the provisions of their act of incorporation. And that all the privileges and immunities granted them by said act, be, and the same hereby are extended to said Company for the like term of three years, anything in said act to the contrary notwithstanding.

Sec 2 And be it further enacted, that any Company which now is or may hereafter be incorporated for the purpose of making a canal from the said Winnipisseogee Lake to the tide waters of the Piscataqua, shall, at the time of the commencement of such canals and not afterwards be entitled to claim and hold three fourth parts of the exclusive privileges granted by the act to which this is an addition, and also three fourths of the property real and personal, which shall then be holden by said Winnipisseogee Lake Steam Boat Company by paying or tendering therefor the actual value of the said property.

Sec 3 And be it further enacted, that if said Canal Company shall not be able to agree with the said Winnipisseogee Lake Steam

Boat Company, on the value of the aforesaid real and personal property the Superiour Court of Judicature, holden in and for the County of Strafford, on application of said Canal Company or their agent, shall appoint three disinterested and impartial men to appraise the same. And said appraisers, who shall be sworn to the faithful and impartial discharge of said duty, shall, at least fifteen days before proceeding to make such appraisement, give notice in writing to said Companies, or their agents of the time and place appointed for that purpose. And shall make return, under their hands, of the appraisement by them so made to the Superiour Court aforesaid, which return being accepted and allowed by said Court, shall be final and conclusive between the said parties. And the said Canal Company on payment or tender of said appraised value to said Winnipisseogee Lake Steam Boat Company or their agent, shall be to all intents and purposes the proprietors of said three fourth parts of all the property and privileges of the said Winnipisseogee Lake Steam Boat Company, or of three fourths of the shares of the capital stock of said Company, in case the same shall be divided into shares.

Sec 4 And be it further enacted; that at the expiration of five years after any steam boat or steam vessel, shall be put in operation on said Winnipisseogee Lake, or at the next session of the Superior Court of Judicature for the County of Strafford thereafter and at the expiration of every term of five years thereafter, an account of the expenditures incurred by said Winnipisseogee Lake Steam Boat Company in the construction of Steam-boats or Steam-vessels, the erection of warves and store-houses and other expenses incurred by said Company in carrying into effect the purposes of their incorporation together with an account of the rates of freights or toll by them imposed, for the conveyance of passengers and of goods wares and all other articles whatsoever, and of the profits arising therefrom, shall be laid before the Justices of said Superior Court. And if the net profits of said Company for the said first five years or for any of the subsequent terms of five years, shall exceed twelve per cent per annum, the said Court may establish and allow such rates of toll and freight that the annual net profits thereafter may not exceed the sum of twelve per cent per annum.

Sec 5 And be it further enacted that if the said Winnipisseogee Lake Steam Boat Company shall neglect to lay such account, as is herein before prescribed, before said Court agreeably to the provisions hereof, then this act, and the privileges hereby granted shall become wholly null and void.

[CHAPTER 23.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE WASHINGTON CHAPTER OF ROYAL ARCH MASONS AT PORTSMOUTH

[Approved June 25, 1825. Original Acts, vol. 29, p. 23, recorded Acts, vol. 23, p. 49.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Abner Greenleaf John Davenport John M. Sowards, Thomas S. Bowles, Daniel P. Drown Thomas Clapham Robert Neal and Samuel Cushman and their associates and successors shall be and hereby are created and made a body politic and corporation by the name of Washington Chapter of Royal Arch Masons at Portsmouth, and by that name may sue and be sued, plead and be impleaded defend and be defended to final judgment and execution, and may have a common seal and the same may alter at pleasure and shall have and possess all the powers incident to corporations of a similar nature, and may have, hold and enjoy real and personal estate not exceeding in amount the sum of Three Thousand Dollars—

Sec 2 And be it further enacted; that Abner Greenleaf John Davenport and John M. Sowards or any two of them may call a meeting of said Corporation to be holden at Portsmouth in the County of Rockingham, at such time and place as they shall think expedient by an advertisement in the New Hampshire Gazette made two weeks previous to the time of holding said meeting at which meeting the members of said Corporation by a vote of the majority of those present, shall choose such officers and enact such by-laws as they may think proper for the regulation and government of said Corporation: Provided said by-laws are not repugnant to the Constitution and laws of this State.

[CHAPTER 24.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE THE FIRST MUSICAL SOCIETY IN THE SOUTH PARISH IN HAVERHILL.

[Approved June 25, 1825. Original Acts, vol. 29, p. 24; recorded Acts, vol. 23, p. 51.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Sylvester T. Goss, Samuel

W. Hadley, Nathaniel Tucker and Charles Baker their associates and successors be and they are hereby made a body politic by the name of the First Musical Society in Haverhill South Parish and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and privileges and subjected to all the liabilities incident to corporations of a similar nature; and may purchase and hold personal estate to the amount of Five Hundred Dollars for the purposes of said Society, and the same may sell, convey and dispose of at pleasure.

Sec 2 And be it further enacted; that Sylvester T. Goss may call the first meeting of the members of said society by giving personal notice at least four days before said meeting of the time and place of holding the same, to the members thereof, or by posting up written notifications in two of the most public places in Haverhill South Parish six days before said meeting, at which meeting the members may make any by-laws for the regulation and government of said Society and do and transact any business necessary to carry into effect the purposes intended by this act.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE EXETER ATHE- NEUM.

[Approved June 25, 1825. Original Acts, vol. 29, p. 25; recorded Acts, vol. 23, p. 52.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that John Rogers Jotham Lawrence. Peter Chadwick Joseph Tilton Jr David W. Gorham. William Smith Jr William Perry and Nicholas Gilman with their associates, and such other persons as may from time to time be admitted as members of said association according to the rules which shall be established by the by-laws of said corporation, be and they hereby are incorporated and made a body politic by the name of the proprietors of the Exeter Atheneum, with all the privileges, powers and liabilities incident to similar corporations. And said Corporation may receive and take by gift grant, devise or otherwise, and hold and possess real and personal estate to the value of three thousand dollars.

Sec 2 And be it further enacted; that said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner in which

members shall be notified to convene at such meetings: and shall have authority to elect from among the said members such officers, with such powers as they may judge expedient and to establish by-laws for the management of the affairs of said Corporation, provided such by-laws shall not be repugnant to the constitution and laws of this State—

Sec 3 And be it further enacted that John Rogers. Peter Chadwick, and William Perry or any two of them shall call the first meeting of said Corporation by giving personal notice to each member, at any time within three months from the passing of this act and three days at least prior to said meeting.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE HILLSBOROUGH INSTRUMENTAL
MUSIC BAND.

[Approved June 25, 1825. Original Acts, vol. 29, p. 26; recorded Acts, vol. 23, p. 53.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Ephraim Codman Daniel Symonds, Charles Baldmein, and their associates and successors be and hereby are created a corporation and body politic by the name of the Hillsborough Instrumental Music Band with powers to take and hold personal estate to an amount not exceeding Five Hundred Dollars and with all other rights privileges and immunities (except that of holding real estate) which are by law incident to similar corporations.

Sec 2 And be it further enacted that Ephraim Codman is appointed and authorized to call the first meeting of said corporation by giving to each member thereof a notice in writing at least ten days prior to the time of holding said meeting, of the time, place and purpose of holding the same,

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
ROCHESTER MUSICAL SOCIETY.

[Approved June 25, 1825. Original Acts, vol. 29, p. 27; recorded Acts, vol. 23, p. 54.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that William Hurd Benjamin M. Akerman. Nathaniel H. Hurd and their associates and successors be and they hereby are incorporated into a body corporate and politic, by the name of the Rochester Musical Society and are hereby invested with all the powers and privileges and subject to all the liabilities of corporations of a similar nature.

Sec 2 And be it further enacted that they are hereby authorized and empowered to acquire and hold personal estate to the value of Two Hundred Dollars for the uses and purposes of said society.

Sec 3 And be it further enacted; that William Hurd Benjamin M. Akerman and Nathaniel H. Hurd or either two of them are authorized to call the first meeting by posting up advertisements in two public places in said Rochester notifying the time and place of meeting, and the object thereof at least seven days before the time of assembling said meeting.

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FIRST
FIRE ENGINE COMPANY IN HAVERHILL.

[Approved June 25, 1825. Original Acts, vol. 29, p. 28; recorded Acts, vol. 23, p. 56.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Sylvester T. Goss Jacob Bell and Henry Towle, their associates and successors be and they are hereby incorporated and made a body politic by the name of the First Fire Engine Company in Haverhill and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings; and they are hereby vested with all the powers and privileges

and subjected to all the liabilities incident to Corporations of a similar nature.

Sec 2 And be it further enacted; that said Corporation be and hereby is authorized and empowered to purchase and hold real and personal estate for the purposes of said Corporation to any amount not exceeding One Thousand Dollars and the same may sell, convey, and dispose of at pleasure.

Sec 3 And be it further enacted; that said Sylvester T. Goss Jacob Bell and Henry Towle or any two of them may call the first meeting of said Company at any suitable time and place in Haverhill in the County of Grafton by giving to the members thereof five days notice of the time and place of said meeting by posting up in two of the most public places in Haverhill South Parish notifications thereof in writing, at which meeting the said members may make by-laws for the regulation and government of said Company, not repugnant to the laws of this State: and may do and transact any business necessary to carry into effect the purposes intended by this act.

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT TO ANNEX ALL THE ISLANDS ON AMOSKEAG FALLS IN MERRIMACK RIVER TO THE TOWN OF GOFFSTOWN

[Approved June 28, 1825. Original Acts, vol. 29, p. 29; recorded Acts, vol. 23, p. 57. Session Laws, 1825, Chap. 29.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that all the Islands on Amoskeag Falls in Merrimack River lying westerly of the centre of the Pulpit or East Stream in said Falls be, and the same hereby are annexed to the town of Goffstown.

Sec 2 And be it further enacted; that the Inhabitants of the said Islands shall be liable to do the same duties and shall enjoy the same privileges, as the other inhabitants of the said town of Goffstown and shall be subject to the same Laws and penalties, and to pay all taxes legally assessed on them by the aforesaid town of Goffstown

[CHAPTER 30.]

State of)
New Hampshire. }

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING THE PROBATE COURT WITHIN AND FOR THE COUNTY OF MERRIMACK"

[Approved June 28, 1825. Original Acts, vol. 29, p. 30; recorded Acts, vol. 23, p. 58. Session Laws, 1825, Chap. 30. The act referred to is probably dated June 16, 1824, *ante*, p. 287. See also act of July 5, 1827, *post*.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the Probate Court for the County of Merrimack. shall hereafter be holden at Warner on the second tuesday. instead of the first Tuesday of June, any law to the contrary notwithstanding.

[CHAPTER 31.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE JONATHAN LOCKE AND OTHERS BY THE NAME OF THE GREAT OSSIPPEE MANUFACTURING COMPANY.

[Approved June 28, 1825. Original Acts, vol. 29, p. 31; recorded Acts, vol. 23, p. 59.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened: that Jonathan Locke Jeremiah Kennison, William Parsons and their associates and successors be and they hereby are incorporated and made a body politic forever by the name and stile of the Great Ossipee Manufacturing Company and in that name may sue and be sued prosecute and be prosecuted defend and be defended to final judgment and execution and shall be and hereby are vested with all the privileges and powers incident to corporations of a similar nature.

Sec 2 And be it further enacted; that said Corporation be and the same hereby is empowered to carry on the manufacture of Cotton and Woolen Goods. Iron and Iron Wares and such other branches of business as may be necessarily and conveniently connected therewith at Effingham in the County of Strafford and may erect and construct such Mills Mill-dams, buildings and machinery as may be necessary and convenient for carrying on those manufactures.

Sec 3 And be it further enacted—that said Corporation be and the same hereby is authorized to acquire by purchase or otherwise and to hold and enjoy such real and personal estate as may be necessary and useful in conducting the business of said Company and the same to sell, convey and dispose of at pleasure. Provided the estate held by said Corporation shall not at any time exceed One Hundred Thousand Dollars.—And the said capital or joint stock may be divided into as many shares as the proprietors at a legal meeting, shall agree and decide. And in like manner the said proprietors may agree and decide on the manner of transferring them and may elect all such officers, agents and servants as may be deemed necessary and prescribe their respective duties, may order assessments and fix the time of payment, may pass by-laws for the regulation and government of said Company and may do and transact any other business in relation to the concerns and for the benefit of said corporation. All questions shall be determined by a majority of votes present or represented at any meeting accounting and allowing one vote to each share in all cases except the raising of money which shall always require two thirds of the votes present; and absent members may vote by proxy, being authorized in writing signed by the person represented and filed with the clerk.

Sec 4 And be it further enacted; that the shares in said corporation shall be liable and holden for all assessments legally made thereon, and upon the non-payment of such assessments or any part thereof, for the space of thirty days after the same shall have become due and payable the treasurer may proceed in the manner to be prescribed in the by-laws of said Corporation to advertise and sell at public auction such delinquent shares or so many of them as may become necessary to pay the sums due thereon with incidental charges.

Sec 5 And be it further enacted; that the said Jonathan Locke, Jeremiah Kennison and William Parsons, or either two of them may call the first meeting of said company by advertising the time and place where the same shall be holden in the New Hampshire Republican printed at Dover, three successive weeks previous to said meeting—

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE TIME OF HOLDING THE MAY TERM OF THE
 SUPERIOR COURT OF JUDICATURE IN THE COUNTY OF GRAFTON—

[Approved June 28, 1825. Original Acts, vol. 29, p. 32; recorded Acts, vol. 23, p. 61. Session Laws, 1825, Chap. 32.]

Be it enacted by the Senate and House of Representatives in General Court convened; that the May Term of the Superior Court of Judicature shall hereafter be holden at Haverhill within and for the County of Grafton on the third tuesday of May annually, any former law to the contrary notwithstanding.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE ACCUMULATING FUND SOCIETY IN
 NOTTINGHAM-WEST.

[Approved June 28, 1825. Original Acts, vol. 29, p. 33; recorded Acts, vol. 23, p. 62.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Benjamin Merrill Caleb Johnson, John Foster, and such others as have or shall hereafter become members of said Society by subscribing and contributing to the increase of said fund, be, and they hereby are incorporated and made a body politic by the name of the Accumulating Fund Society in Nottingham-West; and by that name may sue and be sued appear, prosecute and defend in any Court of record or other place whatever; and they hereby are vested with the powers and privileges, and made subject to the liabilities of similar corporations

Sec 2 And be it further enacted; that said society be, and hereby is authorized and empowered to receive and hold subscriptions, grants and donations of money, or other estate, to any amount not exceeding Ten Thousand Dollars and the same to vest in such stock or loan on such security by mortgage or otherwise, as the said Society shall deem advisable and proper, for the purpose of creating and establishing a fund for the support of the gospel ministry in the Presbyterian Church and Society in the town of Nottingham-West in the county of Hillsborough but no part of the principal of said fund, nor of the interest accruing thereon, shall be applied to such support nor to any other use until from the receipts of sub-

scriptions, grants and donations with the accumulating interest thereon, the said fund shall have amounted to the sum of Five Thousand Dollars:—And after said fund shall have amounted as aforesaid to the said sum of Five Thousand Dollars or more the interest thereof, annually accruing, may be taken and applied to the maintenance and support of the gospel ministry in the church and society aforesaid, and for no other purpose whatever.

Sec 3 And be it further enacted; that either two of the persons above named may call a meeting of the members of said society to be holden at any suitable time and place in said Nottingham-West; by posting up notifications therefor at the Meeting-houses in said town at least fifteen days prior thereto At which meeting or at any adjournment thereof the said members may agree on the manner of calling their future meetings, the time of holding their annual meeting and may elect a clerk, treasurer, board of trustees not exceeding five persons, and such other officers and agents as may be deemed necessary; may ordain and establish rules and regulations for the prudent management of said fund, and the affairs of said corporation, and do and transact any business necessary and proper to carry into effect the provisions of this act.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES BY SOLITARY IMPRISONMENT AND CONFINEMENT TO HARD LABOR, PASSED THE NINETEENTH DAY OF JUNE ONE THOUSAND EIGHT HUNDRED AND TWELVE.

[Approved June 28, 1825. Original Acts, vol. 29, p. 34; recorded Acts, vol. 23, p. 64. Session Laws, 1825, Chap. 34. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 129. See also *acts of Del.* February 8, 1791, id., vol. 5, p. 596; February 16, 1791, id., p. 718; December 18, 1812, id., vol. 8, p. 196, and January 2, 1829, *post.*]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that if any person shall commit the crime of manslaughter such person shall be punished by solitary imprisonment for a term not exceeding six months and by confinement to hard labor for any term of time not less than two years or for life, according to the aggravation of the offence.

Sec 2 And be it further enacted; that the fourth section of the act to which this is an addition be and hereby is repealed. Provided that the same shall be and remain in force for the cognizance, trial and punishment of the crime and offence therein mentioned, which has been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS INTO A COMPANY BY THE NAME OF THE PROPRIETORS OF THE TROY VILLAGE AQUEDUCT.

[Approved June 28, 1825. Original Acts, vol. 29, p. 35; recorded Acts, vol. 23, p. 65.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Salmon Whittemore Lyman Wright Moses Ballou, Cyrus Fairbanks and Daniel W. Farrar and their associates and successors be and they are hereby incorporated and made a body politic forever by the name of the Proprietors of the Troy Village Aqueduct and by that name may sue and be sued, plead and be impleaded prosecute and be prosecuted to final judgment and execution and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Sec 2 And be it further enacted; that Salmon Whittemore Lyman Wright and Moses Ballou before named or either two of them may call the first meeting of said Proprietors by posting advertisements for that purpose in two public places in said Troy at least ten days prior to said meeting to be holden at such time and place as they shall think proper. And the Proprietors by vote of a majority of those present or represented at said meeting allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of the duties of said office and shall agree on a method of calling future meetings and at the same time or at any future meeting may elect such officers make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation for securing managing and improving the interest thereof; provided the said rules and by-laws are not repugnant to the Constitution and laws of this State; Absent members may vote by proxy being authorized in writing signed by the person represented and filed with the Clerk.

Sec 3 And be it further enacted that said Corporation shall have power to purchase and hold in fee-simple or otherwise so much land as may be necessary to enable said corporation to carry into complete effect the provisions and design of this act and that said corporation shall not hold personal estate to a greater amount than three thousand Dollars.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF PIERMONT BRIDGE

[Approved June 28, 1825. Original Acts, vol. 29, p. 36; recorded Acts, vol. 23, p. 66. See also acts of June 11, 1808, Laws of New Hampshire, vol. 7, p. 648; June 23, 1826, and January 3, 1829, *post.*]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that Nathaniel Kimball, Joseph Sawyer Samuel McDuffee, George W. Prichard Benjamin P. Baldwin, their associates successors and assigns be and they hereby are incorporated and made a body politic by the name of the Proprietors of Piermont Bridge; and by that name may sue and be sued, prosecute and defend to final judgment and execution and be called and known in all cases whatever, and they are hereby vested with all the powers and privileges which are by law incident to similar corporations

Sec 2 And be it further enacted; that the three persons first above named, or any two of them may call a meeting of said proprietors at any suitable time and place by posting up notifications for that purpose at public places in the towns of Piermont and Bradford at least fifteen days prior thereto, or by giving ten days personal notice of the time, place and design of said meeting; At which said first meeting, or at any adjournment thereof, there shall be chosen a Clerk and such other officers and agents as may be deemed necessary; and at the same or at any subsequent meeting duly holden, the said proprietors may divide their joint property into shares, and prescribe the mode of transferring them, may order assessments and fix the time of their payment; pass by-laws, not being contray to the laws of the State, and annex penalties to the breach thereof, not exceeding ten Dollars for any one offence; agree upon the manner of calling their future meetings, and the time of holding their annual meeting and do and transact any business necessary to carry into effect the purposes of this grant, All questions shall be determined by a majority of votes accounting one vote to each share in all cases. Absent proprietors may vote by proxy. being authorized in writing signed by the person represented and filed with the Clerk.

Sec 3 And be it further enacted; that the said proprietors be, and they hereby are authorized and empowered to construct, erect and build a Bridge over and across the Connecticut River at any suitable place within one mile of the mouth of Waits river and the same from time to time rebuild and keep in repair forever.

Sec 4 And be it further enacted; that for the purpose of reim-

bursing said proprietors for their expenses in building and in keeping said Bridge in repair, a toll be and hereby is granted and established; and the toll-gatherers appointed by said proprietors are hereby authorized to ask, demand and receive of and from all and every person passing said Bridge with cattle, horses, teams, carriages or other thing the rates of toll following and to stop and detain all and every person so passing said Bridge until such toll shall have been paid; that is to say—For each foot passenger, one cent; for each horse and rider or horse led six cents; for each chaise, or other carriage of pleasure, drawn by one horse twelve cents, and five cents for each additional horse; for each pleasure sleigh drawn by one horse six cents, and two cents for each additional horse; for each coach or other four wheeled carriage for passengers drawn by more than one horse, twenty five cents; for each cart or other carriage of burden drawn by two beasts, ten cents, and five cents for each additional pair of horses or yoke of oxen; for each horse or mule in droves, exclusive of those rode upon or in carriages, three cents; for each neat creature in droves, two cents; for sheep and swine one fourth of a cent each; and to each team one man and no more shall pass free of toll. And at all times when the toll-gatherer shall not attend his duty the gate shall be left open.

Sec 5 And be it further enacted; that the share or shares in said Corporation shall be holden and liable for the payment of all assessments duly made thereon, and upon the non-payment thereof within the time fixed for their payment the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as the said proprietors in their by-laws shall have prescribed.

Sec 6. And be it further enacted; that after the expiration of five years from the completion of said Bridge, upon application of said proprietors, or of any other person or persons, the Justices of the Superior Court of Judicature, at any session of said Court in and for the County of Grafton, upon the examination of the account of expenses incurred by said proprietors, in building and keeping said Bridge in repair; and the account of tolls by them received for passing the same, may alter the aforesaid rates of toll by increasing or diminishing them in such manner, that said proprietors shall not receive more than twelve per centum per annum on the amount of the expense of building and repairing said Bridge.

Sec 7 And be it further enacted; that if said Bridge be not completed within five years from the passing hereof this grant and every part thereof shall be void and of no effect.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT REGULATING
PROCESS AND TRIAL IN CIVIL CAUSES.

[Approved June 29, 1825. Original Acts, vol. 29, p. 37; recorded Acts, vol. 23, p. 70. Session Laws, 1825, Chap. 37. The act referred to is probably dated February 9, 1791, Laws of New Hampshire, vol. 5, p. 621. See also acts of December 11, 1792, id., vol. 6, p. 58; December 13, 1796, id., p. 371; June 21, 1797, id., p. 407; November 5, 1813, id., vol. 8, p. 273; January 2, 1829, *post*, and December 10, 1840, Session Laws, November, 1840, Chap. 562. Partly repealed by act of July 7, 1826, *post*.]

Sec I Be it enacted by the Senate and House of Representatives in General Court convened; that in any action now commenced or which may be hereafter commenced, against any person who is not an inhabitant or resident in this State or against a person whose residence shall not be known to the officer serving the writ, by an attachment of the goods or estate of the defendant within this State, and no personal service be made on the defendant, the Justices of the Court before whom such suit shall be depending on suggestion thereof, shall order the said action to be continued to the next term of said Court and shall order notice to be given of the pendency of such suit, by publication of a notice, in such form as the said Court may order, in such newspaper or newspapers printed within this State, and in such newspaper printed without this State and for such period of time, not less than two months, as the Court may direct, the last publication thereof to be at least two months prior to the term of said Court to which said action shall be continued as aforesaid. And such publication, sufficient evidence thereof being produced to the satisfaction of said Court shall be deemed and taken to be sufficient notice to the defendant of such suit, and in case the defendant, being so notified, shall not appear by himself or his Attorney, at the term of said Court to which said action may be continued, judgment shall be entered against him by default and such judgment shall be as valid and effectual to all intents and purposes as it would be in case the defendant had personal notice of such suit.

Sec II And be it further enacted; that in any action which hereafter may be commenced before any Justice of the Peace against any person, by attachment of his goods or chattels and no personal service be made on the defendant by reason that his place of abode shall not be known to the officer serving said writ, the Justice before whom such suit shall be depending, such fact appearing by the officer's return, shall order said action to be continued for a term not less than, sixty days nor more than ninety days; and shall

order notice to be given of the pendency of such suit, by posting up a notification thereof in two public places in the town where the defendant was last known to be an inhabitant or resident in this State forty days at least before the day to which said action shall be continued: And if the defendant shall not appear before said Justice at the time and place to which said action shall be continued, and no satisfactory evidence being furnished to said Justice that said defendant has had notice of said suit said Justice shall order said action to be further continued for a time not less than thirty days nor more than forty days. And if the defendant shall not appear at the time and place to which the action shall last be continued, and satisfactory evidence being furnished that notice was posted as aforesaid judgment shall be rendered against said defendant by default; and in all such cases where judgment shall be rendered by default after two continuances as aforesaid; and no evidence furnished that the defendant has had notice of the pendency of such suit, which evidence shall always be in writing and filed with the Justice, execution shall not issue until the Plaintiff shall give bond, which shall be filed with the Justice with sufficient surety, in double the amount of the sum recovered by said judgment to respond the judgment that may be recovered in an action of review, which may be commenced and prosecuted by said defendant before said Justice at any time within two years next after the rendering of such judgment, and such plaintiff in review may have the benefit of all pleas and advantages that he might have had, had he appeared and pleaded to the original suit; the default notwithstanding.

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT EMPOWERING THE SELECTMEN OF THE TOWN OF KEENE TO APPOINT ADDITIONAL FIRE ENGINE MEN.

[Approved June 29, 1825. Original Acts, vol. 29, p. 38; recorded Acts, vol. 23, p. 73. Session Laws, 1825, Chap. 38. See acts of June 13, 1808, Laws of New Hampshire, vol. 7, p. 659; June 28, 1822, *ante*, p. 92, and June 18, 1836, Session Laws, June, 1836, Private Acts, Chap. 79.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the Selectmen of the town of Keene be and they hereby are authorized and empowered to appoint an additional number of fire engine men to the first fire engine company in said town (if in their opinion the engine belonging to said company require a greater number of men than eighteen to work it) not exceeding six additional men to such company. And a cer-

tificate signed by a majority of the said selectmen shall exempt the persons so appointed from military duty in the same way and manner as is provided in the fifth section of the Militia law of December 22^d A.D. 1820. Provided, that no infantry company by any such enlistment shall be reduced below sixty four in number.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AND IN AMENDMENT OF AN ACT EMPOWERING SCHOOL DISTRICTS TO BUILD AND REPAIR SCHOOL-HOUSES AND REGULATING SCHOOLS. PASSED DECEMBER 28, 1805

[Approved June 30, 1825. Original Acts, vol. 29, p. 39; recorded Acts, vol. 23, p. 74. Session Laws, 1825, Chap. 39. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 467. Repealed by act of July 6, 1827, *post.*]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that it shall be the duty of the Selectmen of the several towns and places within this State divided into school districts, upon application made to them in writing, by three or more freeholders resident within any school district in their respective towns to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of such district qualified to vote in town affairs, to meet at such time and place within such district, as the Selectmen shall in their warrant appoint: And the warning aforesaid shall be, by notifying personally every person, within such district, qualified to vote in town affairs, or by leaving at their usual places of abode, a notification in writing, expressing therein the time and place of such meeting, fourteen days at least prior to said meeting, or by posting up in two or more of the most public places within such district fourteen days at least prior to such meeting an attested copy of the warrant aforesaid; in either way as the said Selectmen shall, in such warrant direct and order and any vote to raise money passed by a majority of the inhabitants of any school district present, at any district meeting holden pursuant to this act, shall be obligatory on the inhabitants of said district, to be assessed, levied and collected, as prescribed by the provisions of the act, to which this act is an amendment

Sec 2 And be it further enacted, that the fifth section of an act passed December 28, 1805, entitled "An Act empowering school districts to build and repair school-houses and regulating schools" be and the same is hereby, repealed.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT AUTHORIZING AN ACTION OF REPLEVIN IN CERTAIN CASES.

[Approved June 30, 1825. Original Acts, vol. 29, p. 40; recorded Acts, vol. 23, p. 76. Session Laws, 1825, Chap. 40. Laws, 1830 ed., p. 379. See also acts of February 9, 1791, Laws of New Hampshire, vol. 5, p. 629, and June 22, 1832, Session Laws, 1832, Chap. 72. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that when any goods or chattels shall be taken, distrained or attached upon any writ of mesne process, which shall be claimed by any third person or persons such person or persons so claiming such goods or chattels, may replevy the same; and said action of replevin may be prosecuted to final judgment and execution, in any Court proper to try the same, in the same form and manner as is provided to the owners of creatures impounded, by an act entitled "an act regulating pounds" passed February 9, 1791, and in the same form and manner as said action of replevin has been heretofore prosecuted in this State.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT FOR THE LIMITATION OF ACTIONS AND PREVENTING VEXATIOUS SUITS.

[Approved June 30, 1825. Original Acts, vol. 29, p. 41; recorded Acts, vol. 23, p. 77. Session Laws, 1825, Chap. 41. Laws, 1830 ed., p. 76. This act repeals acts of June 16, 1791, Laws of New Hampshire, vol. 5, p. 769, and December 30, 1799, id., vol. 6, p. 623. See also acts of June 19, 1805, id., vol. 7, p. 414; June 22, 1814, id., vol. 8, p. 333; July 6, 1826, *post*, and June 20, 1840, Session Laws, June, 1840, Chap. 504. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that all actions of trespass *quare clausum fregit*, all actions of trespass, *detinue trover* or replevin for goods or cattle, all actions of account and upon the case, other than such as concern the trade of merchandize between merchant and merchant their factors and servants, all actions of debt grounded upon any lending or contract not under seal, all actions of debt for arrearages of rent, and all actions of assault, menace, battery wounding and imprisonment or any of them which shall be

hereafter sued or brought, shall be commenced and sued within the time hereinafter limited, and not afterwards, to wit the actions of account, and actions of debt and actions upon the case other than for slander, and said actions of trespass, detainue and replevin for cattle and goods, and said actions of trespass quare clausum fregit, within six years next after the cause of such actions or suits, and not after. And the said actions of trespass, of assault, battery, wounding imprisonment, or any of them, within three years next after the cause of such actions or suits and not afterwards; and the said actions upon the case for words within two years next after the words spoken and not afterwards. Provided always, that if upon any of the said actions or suits, judgment be given for the plaintiff and the same be reversed by writ of error or a verdict pass for the Plaintiff, and for matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing for his plaint, writ, or bill that in all such cases the Plaintiff, his executor or administrator, as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed, or such judgment against the plaintiff, and not after.

Sec 2. And be it further enacted; that this act shall not extend to bar any infant, feme-covert person imprisoned or beyond seas without any of the United States, or non-compos mentis, from bringing either of the actions before mentioned within the term before set and limited for bringing such actions, reckoning from the time such impediment shall be removed.

Sec 3 And be it further enacted; that if any person against whom there is or may be any cause of suit for any and every the species of personal actions before enumerated, who at the time the same accrued or afterward resided without the limits of the State and did not leave property or estate therein, that could by the common and ordinary process of law be attached, that then and in such case the person, that is entitled to bring such suit or action, shall be at liberty to commence the same within the respective periods before limited exclusive of the time during which such person shall have resided without the limits of the State as aforesaid.

Sec 4 And be it further enacted; that the aforesaid act shall not extend to bar any action hereafter brought upon any note in writing, made and signed by any person or persons for securing the payment of which a mortgage has been or shall be given; nor shall it extend to bar any action brought by any mortgagee against the mortgagor upon a mortgage where no note is given; but that the same shall remain as though said act had never been made.

Sec 5 And be it further enacted; that this act shall not extend to bar any action hereafter brought upon any contract therein mentioned by any executor or administrator until the expiration of two years from the time of proving the will or taking out letters of administration. provided the testator or intestate had cause of action

at the time of his or her decease; nor shall said act be construed to bar any action hereafter brought against any executor or administrator, until the expiration of two years from the time of proving the will, or taking letters of administration, provided the testator or intestate was liable to an action at the time of his or her decease, anything in this act to the contrary notwithstanding.

Sec 6 Be it further enacted; that no suit or action shall be commenced or sustained against any executor or administrator on any contract of the testator or intestate or for any cause of action against such testator or intestate unless such suit or action is commenced within three years next after the probate of the will or granting of administration on the estate of the person deceased. Provided such executor or administrator shall have given notice of his appointment, by posting up a notification thereof, in some public place in the town or place where the deceased had his residence at the time of his death, and by causing the same to be published in some newspaper printed in this State as the court of Probate shall have directed or approved of and by giving such other notice as said court taking into consideration the circumstances and situation of the estate of the deceased, may have ordered. Provided nevertheless, that when the cause of action against any Testator or Intestate shall not have accrued at the death of such Testator or Intestate, and shall not accrue within one year next after the probate of the will or granting of administration on the Estate of any deceased person; an action may be commenced and maintained against the Executor or Administrator, at any time within two years next after such cause of action shall accrue and not afterwards.

Sec 7 And be it further enacted, that no judgment in any real or personal action shall be reversed or avoided for any error or defect therein, unless the writ of error or suit for the reversing such judgment be commenced or brought and prosecuted with effect within three years after such judgment entered of record saving unto any infant, feme covert, person non compos mentis, person in prison or beyond sea the right of bringing any writ of error or suit for the reversing of any judgment at any time within three years after such judgment rendered, or within five years after such impediment shall be removed.

Sec 8 And be it further enacted; that in all actions of the case for slanderous words, all actions of assault and battery, all actions for imprisonment, all actions for malicious prosecutions hereafter prosecuted in any of the Courts of record in this State if the jury that inquire of the damages do find or assess the damages under six Dollars; then the Plaintiff or plaintiffs in any such action shall have and recover only so much costs as damages so found and assessed amount unto, without any further increase of the same. And in all actions of trespass quare clausum fregit, where the title of real estate is not in question, if the damages found or assessed by the jury

do not amount to six Dollars, the Court may if they think proper, allow only such sum in costs, as they shall think proper, not exceeding the damages assessed by the jury. And in all other actions commenced at the Court of Common Pleas, if it shall appear to the Justices of said Court, or to the Justices of the Superior Court, in case of appeal that the Plaintiff or Plaintiffs had no reasonable expectation of recovering more than six Dollars damages in such suit; the Justices of said Court may limit the Plaintiff or Plaintiffs in their costs to such sum, as they may think just and reasonable all circumstances duly considered.

Sec 9 And be it further enacted; that "an Act passed June 16, 1798, entitled "An Act for the limiting of actions and for the preventing of vexatious suits" An act passed December 30. 1799 entitled "An Act in addition to and amendment of an act entitled "An Act for the limitation of actions and for the preventing of vexatious suits" passed the sixteenth day of June A.D. 1791 be and they hereby are repealed.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MERRIMACK COMPANY, FOR CULTIVATING THE MULBERRY TREE.

[Approved July 1, 1825. Original Acts, vol. 29, p. 42; recorded Acts, vol. 23, p. 82.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened. That Joseph M Harper; Philip Brown junior, Joshua Emery Zepheniah Batchelder, and their associates, proprietors and owners of a Mulberry Orchard in Loudcn in the County of Merrimack, and those who may hereafter become proprietors of said Orchard, be, and hereby are incorporated and made a body politick by the name of the Merrimack Company for cultivating the Mulberry Tree; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and hereby are vested with the powers and privileges which by law are incidenta to corporations of a similar nature

Sec. 2. And be it further enacted. That for the purpose of cultivating the Mulberry Tree and for carrying on such other business as may be necessarily connected therewith, the said Company be and hereby is authorized to acquire and hold any estate not exceeding five thousand dollars in value, and the same to sell and dispose of at pleasure

Sec. 3. And be it further enacted, That said Company be and hereby is authorized to assemble at Loudon aforesaid on the first Monday of March, annually, to choose a Clerk and such other officers and agents for conducting the affairs thereof as may be deemed necessary; to order assessments, and fix the time of their payment, pass by-laws, not being contrary to the laws of the State, for their regulation and Government, and do and transact such other business as the well-being of said Company may require. And the said Company may hold meetings at any other time for the purpose of filling such vacancies as may have happened in any office, and for transacting any other business, except the raising of money, which shall always be done at the annual meeting, And at no other time

Sec 4 An be it further enacted, That the said Joseph M Harper, Philip Brown, junior, and Joshua Emery, or either two of them may call the first Meeting of said Company at any suitable time and place in Loudon aforesaid by posting up notifications therefor at any two public places in said Loudon at least fifteen days before said meeting, or by giving ten days personal notice prior thereto expressing therein the time, place and design of said meeting; and at said first meeting the members of said Company shall have the same power to choose officers, order assessments pass-by-laws, and transact any business which by this act they are authorized to do at their annual meeting.

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE CLEMENT STORER AND OTHERS HIS ASSOCIATES, WITH THE EXCLUSIVE RIGHT AND PRIVILEGE OF CUTTING A CANAL AND CONSTRUCTING LOCKS, SLIPS AND RAILWAYS FROM WINNIPISSEOGEE LAKE TO PISCATEQUA RIVER"—PASSED DECEMBER 16TH 1824

[Approved July 1, 1825. Original Acts, vol. 29, p. 43; recorded Acts, vol. 23, p. 84. See act referred to, *ante*, p. 322. See also acts of June 18, 1811, Laws of New Hampshire, vol. 8, p. 21; June 21, 1817, *id.*, p. 629, and July 7, 1827, *post.*]

Section 1. Be it enacted by the Senate, and House of Representatives in General Court convened, that for the purposes of supplying and maintaining said canal, said corporation is hereby authorized to take and use any water of and from said Lake, or any pond or ponds, rivers and other water courses, as the same may be convenient and necessary, and to make, in any part of such canal,

and at the extremities thereof, all such locks floodgates docks, embankments, basins, piers, wharves, and other works, as well above as below low water mark as may be convenient or necessary for the purposes of the act to which this is an addition, compensation being made to those injured thereby, in such way and-manner as is prescribed in said act.

Section 2^d And be it further enacted. That said corporation may use, occupy, hold in shares or otherwise dispose of, any water power or mill priveleges which may be obtained from, or created, by any of the Locks or Slips erected by said corporation, and may erect such works and buildings as may be found necessary for the profitable management of their property, to the amount of five hundred thousand dollars.

Section 3^d And be it further enacted, That said corporation, may hold such real and personal estate, as may be necessary and convenient for the purposes of this act and the Act to which this is in addition, not exceeding one Million of Dollars, and the same may sell and dispose of at pleasure.

Section 4th And be it further enacted. That the Stock of said corporation, actually employed in the construction of said canal, shall be exempted from all public taxes, until the Annual profits arising from said Canal, shall amount to six per cent, on the money actually expended for said purpose. Provided however, that this Section, shall not continue in force for a longer term than twenty years, from the passage of this Act.

Section 5th And be it further enacted. That for the purpose of ascertaining the amount of profits received, on the Money expended, in the construction of said Canal; said Company, shall cause their Treasurer, Clerk, Agent or Directors, to make out under oath, and exhibit once in every three years, during said term of twenty years, to the Justices of the Superior Court, at some term of said Court, holden within and for said County of Strafford, a true and correct account of all such expenditures, and of all monies by said Company, received for tolls or otherwise, as profits or income on the monies so expended—And in case said Company, shall neglect to cause an account of Monies by them expended and received, to be exhibited in manner as aforesaid, they shall be held liable, and subject to taxation for all real and personal estate of which they may be possessed—Any provision in this act contained to the contrary notwithstanding.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE LITERARY LIBRARY SOCIETY IN THE TOWN OF NELSON.

[Approved July 1, 1825. Original Acts, vol. 29, p. 44; recorded Acts, vol. 23, p. 86.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Nathaniel Woods Henry Melville and Asa Beard and their associates and successors be and they hereby are made a corporation by the name of the Literary Library Society in the town of Nelson for the purpose of establishing a Library in said town and that said Society be and hereby are vested with the powers and privileges and made subject to the liabilities incident to similar corporations and shall have power to hold real and personal estate not exceeding in value the sum of Two Thousand Dollars.

Sec 2 And be it further enacted that any two of the persons herein named may call the first meeting of said Corporation at such time and place as they may deem expedient by posting up a notification for that purpose in some public place in said town of Nelson at least fourteen days prior to the time of holding the same at which meeting said Corporation may organize and at the same or any subsequent meeting duly holden in pursuance of the regulations of said Corporation, may elect such officers, make such rules and regulations for the government of said society, order such assessments and transact such business as may be necessary to carry into effect the purposes of said Corporation.

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE AN ENGINE COMPANY IN THE TOWN OF SANDWICH.

[Approved July 1, 1825. Original Acts, vol. 29, p. 45; recorded Acts, vol. 23, p. 87.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that Daniel Felch, Jesse Ambrose and Elisha Marston and their associates and such as may hereafter become associates, be and they hereby are incorporated and made

a body politic and corporate forever by the name of Sandwich Fire Engine Company and by that name may sue and be sued plead and be impleaded, prosecute and be prosecuted to final judgment and execution, and shall have and enjoy all the privileges and be subject to all the liabilities incident to corporations of a similar nature

Sec 2 And be it further enacted that the said Corporation may at any meeting legally warned and holden for that purpose, make and ordain all necessary rules and regulations for the government thereof provided such rules and regulations be not inconsistent with the constitution and laws of this State.—

Sec 3 And be it further enacted that the persons named in the first Section of this Act or any two of them may call the first meeting of said Company by posting up notifications thereof at two of the most public places in said town at least fifteen days prior to said day of meeting.

Sec 4 And be it further enacted that no more than eighteen persons shall be exempted from doing military duty in said town of Sandwich in consequence of belonging to said Company, any law or usage to the contrary notwithstanding. Provided nevertheless that no person shall be excused from military duty until an Engine be provided with apparatus comple by said Company and ready for operation.

Sec 5 And be it further enacted that said Corporation for the purposes aforesaid shall have full powers and authority to hold real and personal estate to any amount not exceeding five hundred Dollars.

[CHAPTER 46.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE LITCHFIELD AND MERRIMAC BRIDGE.

[Approved July 1, 1825. Original Acts, vol. 29, p. 46; recorded Acts, vol. 23, p. 89. See act of December 19, 1803, Laws of New Hampshire, vol. 7, p. 180.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Isaac Riddle, Charles H. Atherton, Joseph Colley, William Moor, junior, Richard H. Ayer, their associates, successors and assigns, be, and they hereby are incorporated and made a body politic by the name of the Proprietors of the Litchfield and Merrimack Bridge; and by that name may sue and be sued, prosecute and defend to final judgment and

execution, and be called and known in all cases whatever, and hereby are vested with all the powers and privileges which are by law incident to similar corporations.

Sec. 2. And be it further enacted, That any three of the persons above named may call a meeting of said proprietors at any suitable time and place by posting up notifications for that purpose at public places in the towns of Litchfield and Merrimack at least fifteen days prior thereto, or by giving said proprietors ten days' notice of the time, place and design of said meeting. At which said first meeting, or at any adjournment thereof, there shall be chosen a Clerk, who shall be sworn to the faithful discharge of his duty, and such other officers and agents as may be deemed necessary; and at the same, or at any subsequent meeting duly holden, the said proprietors may divide their joint property into shares and prescribe the mode of transferring them; may order assessments and fix the time of their payment; pass by-laws, not being contrary to the laws of the State, and annex penalties to the breach thereof, not exceeding ten dollars for any one offence; agree upon the manner of calling their future meetings, and the time of holding their annual meeting, and do and transact any business necessary to carry into effect the purposes of this act. All questions shall be determined by a majority of votes, allowing one vote to each share; and absent proprietors may vote by proxy, being authorized in writing signed by the person represented and filed with the Clerk.

Sec. 3. And be it further enacted, That the said proprietors be, and hereby are authorized and empowered to construct, erect and build a Bridge over and across the Merrimack River at any suitable place within half a mile southerly of the mouth of Souhegan river, and the same hereafter from time to time to rebuild and maintain forever.

Sec. 4. And be it further enacted, That if the proprietors aforesaid shall erect said bridge over said river within the limits heretofore granted and prescribed by the Legislature of this State to any person or persons within which he or they have by law the exclusive right of keeping a ferry; and the owner or owners of the ferry aforesaid, within whose limits said bridge shall be built, and the proprietors of said bridge cannot agree upon the amount of compensation which said proprietors shall pay to the owner or owners of said ferry for the damages which he or they may sustain in consequence of the building of said bridge; or, if the proprietors of said bridge, and the owner or owners of lands adjacent thereto shall disagree as to the amount of compensation to be made for the privilege of erecting and continuing said bridge as aforesaid; or, shall disagree as to the value of the land whereon it may be necessary to erect a toll-house, or for a road to and from said bridge; in any such case the owner or owners of said ferry, or the owner or owners of lands adjacent and contiguous to said bridge, and wanted

for the purposes aforesaid, may apply by petition to the Justices of the Superior Court of Judicature when sitting in the county of Hillsborough, to have all the damages by him or them sustained estimated and adjusted; and said Court, after reasonable notice given, shall appoint a Committee which shall consist of three persons for that purpose; and the said Committee, after giving due notice to all parties interested, shall view the premises for the purpose aforesaid; and their report being returned to said Court, sitting in said county, and judgment rendered thereon, shall be final and conclusive between the parties, and execution shall issue accordingly: Provided, that if said proprietors shall choose to have the damages which the owner or owners of said ferry, or the owner or owners of lands as aforesaid may be entitled to receive as aforesaid in consequence of erecting said bridge, estimated and adjudged previous to erecting said bridge; the said proprietors may apply to said Court, who may after due notice, appoint a Committee; and all proceedings shall be in the same manner as is provided in this section upon application of the owner or owners of said ferry, or the owner or owners of lands adjacent and be equally conclusive. Provided also, that said Committee may at the time of making their award inform the parties of the sum awarded, and in case they agree to abide such award and settle the controversy, may deliver to each the papers to each party belonging.

Sec. 5. And be it further enacted, That for the purpose of reimbursing said proprietors for their expenses in building and keeping in repair said bridge, a Toll be, and hereby is granted and established; and the toll-gatherers appointed by said proprietors, are hereby authorized to ask, demand and receive of and from all and every person passing said bridge, with cattle, horses, teams and carriages, or other things, the rates of toll following, and to stop and detain all and every person and persons so passing said bridge until such toll shall have been paid: that is to say—For every passenger on foot, one cent; for every horse and rider, or led horse, six cents; for every chaise, or other carriage of pleasure, with one horse, twelve and one half cents; and five cents for each additional horse; for every cart or other carriage of burden, drawn by one horse or yoke of oxen, ten cents; and five cents for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, eight cents, and four cents for each additional horse, for each sleigh or sled of burden, drawn by one horse, or yoke of oxen, six cents, and four cents for each additional pair of horses or yoke of oxen; for horses or mules in droves, three cents each; for neat cattle in droves, two cents each, and for sheep or swine in droves, one fourth of a cent each; and one person and no more with each team to pass free of toll; and at all times when the toll-gatherer does not attend his duty the toll-gate shall be left open.

Sec. 6. And be it further enacted, That the share or shares in said Corporation shall be holden and liable for the payment of all assessments duly made thereon; and upon the non-payment thereof within the time fixed for their payment, the said share or shares may be sold at public auction, or so many of them as will be necessary to pay such assessments with incidental charges under such regulations as the said proprietors in their by-laws shall have prescribed.

Sec. 7. And be it further enacted, That after the expiration of five years from the completion of said bridge, upon the application of said proprietors, or of any other person or persons, the Justices of the Superior Court of Judicature, at any session of said Court in and for the county of Hillsborough, upon the examination of the account of expenses incurred by said proprietors in building and keeping said bridge in repair and the account of tolls by them received for passing the same may alter the aforesaid rates of toll by increasing or diminishing them in such manner, that said proprietors shall not receive more than twelve per centum per annum on the amount of the expense of building and keeping said bridge in repair.

Sec. 8. And be it further enacted, That unless said bridge be completed within five years from the passing hereof, this act and every part thereof shall be void and of no effect.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NEW-HAMPSHIRE MUTUAL FIRE-INSURANCE COMPANY.

[Approved July 1, 1825. Original Acts, vol. 29, p. 47; recorded Acts, vol. 23, p. 94. See also act of January 8, 1853, Session Laws, November, 1852, Private Acts, Chap. 1359.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That William A. Kent, Timothy Chandler, Abel Hutchins, Benjamin Gale, Asaph Evans, John Leach, Sampson Bullard, Samuel Brown, Stephen Ambrose, Stephen Harrington, Samuel Fletcher, John Rogers, John Greenough, William Stickney, Nathaniel Abbot, John Odlin, Gideon Morse, Ebenezer Eastman, and all other persons who may hereafter become members of said Company in the manner herein prescribed, be, and they hereby are incorporated and made a body politic by the name of the New-Hampshire Mutual Fire-Insurance Company. for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture and merchandize

against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this, or of any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record, or other place whatever, may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of the State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and may do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this grant.

Sec. 2. And be it further enacted, That all and every person and persons who shall at any time become interested in said Company by insuring therein, and also, their respective heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter prescribed, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act.

Sec. 3. And be it further enacted, That there shall be a meeting of said Company at Concord in the county of Merrimack on the third Wednesday of June, annually, or on such other day as the said Company may hereafter determine:—at which meeting shall be chosen by a major vote of the members present a Board of Directors, consisting of not more than nine, nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead. All vacancies happening in said Board may be filled by the remaining members until the next annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the Company may be called by order of the Directors, or in such other manner as the by-laws thereof may have prescribed.

Sec. 4. And be it further enacted, That the Board of Directors shall superintend the concerns of said Company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said Company. They shall have power from time to time to appoint a Secretary, Treasurer, and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties: fix their compensation; take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure: They shall determine the rates of

insurance, the sum to be insured on any building, not exceeding three fourths of its value, and the sum to be deposited for the insurance thereof: They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the office of said Company, and for carrying on the affairs thereof; and may draw upon the Treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said Company: They shall elect one of their own number to act as President, and may hold their meetings monthly, and oftener if necessary, for transacting the business of the Company, and shall keep a record of their proceedings; and any Director disagreeing with a majority of the Board at any meeting may enter his dissent with his reasons therefor on record.

Sec. 5. And be it further enacted, That every person who shall become a member of said Company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the Directors, a part not exceeding five per cent of which said note shall be immediately paid for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable in part, or the whole, at any time when the Directors shall deem the same requisite for the payment of losses, or other expenses, and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Sec. 6. And be it further enacted, That every member of said Company shall be and hereby is bound and obliged to pay his proportion of all losses and expenses happening or accruing in and to said Company, and all buildings insured by and with said Company, together with the right, title and interest of the assured to the lands on which they stand shall be pledged to said Company, and the said Company shall have a lien thereon against the assured, during the continuance of his, her or their, policies.

Sec. 7. And be it further enacted, That in case of any loss or damage by fire happening to any member upon property insured in and with said Company, the said member shall give notice thereof in writing to the Directors, or some one of them, or to the Secretary of said Company within thirty days from the time such loss or damage may have happened; and the Directors upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against said Company for said loss or damage at the next Court to be holden in and for the county of Merrimack and

not afterwards, unless said Court shall be holden within sixty days after said determination; but if holden within that time, then at the next Court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the Directors, the party suffering shall have judgment therefor against said Company with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said Company shall recover their costs: provided however, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the Directors aforesaid: and provided also, that execution shall not issue on any judgment against said Company until after the expiration of three months from the rendition thereof.

Sec. 8. And be it further enacted, That the Directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same; or, after the rendition of any judgment as aforesaid against said Company for such loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her or their proportion of any loss as aforesaid, in such case the Directors may sue for and recover the whole amount of his, her or their deposite note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said Company, subject to the payment of such losses and expenses as have, or may thereafter accrue, and the balance, if any remain shall be returned to the party from whom it was collected on demand after thirty days from the expiration of the time for which insurance was made.

Sec. 9. And be it further enacted, That if it ever shall so happen, that the whole amount of deposite notes should be insufficient to pay, the loss occasioned by any one fire, in such case, the sufferers insured by said Company shall receive towards making good their respective losses a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said Company not exceeding fifty cents on every hundred dollars by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire at any one time more than fifty cents on each hundred dollars insured in said Company in

addition to the amount of his deposite note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposite note and surrendering his policy, before any subsequent loss or expense has accrued, may be discharged from said Company.

Sec. 10. And be it further enacted, That the said Company may make insurance for any term not exceeding ten years; and any policy of insurance, issued by said Company, signed by the President and countersigned by the Secretary, shall be deemed valid and binding on said Company in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void unless the true title of the assured, and the incumbrances on the premises be expressed therein

Sec. 11. And be it further enacted, That the Directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper within that time to rebuild the house or houses destroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time; provided they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made in estimating damages in any case for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

Sec. 12. And be it further enacted, That when any house or other building shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the Directors of said Company to be cancelled; and upon such surrender the assured shall be entitled to receive his, her or their deposite notes, upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to such surrender. Provided however, that the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her or them, for his, her or their own proper use and benefit upon application to the Directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said Directors for such portion of the deposite or premium notes as shall remain unpaid, and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured was entitled and subjected under this act.

Sec. 13. And be it further, That if any alteration shall be made in any house or building by the proprietor thereof after insurance has been made thereon by said Company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance made upon

such house or building shall be void, unless an additional premium and deposit after such alterations, be settled and paid to the Directors; but no alterations or repairs in buildings, not increasing such risk or hazard, shall in any wise affect the insurance previously made thereon.

Sec. 14. And be it further enacted, That in case any building or buildings, situated upon leased lands, and insured by said Company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the Directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired; and at the expiration thereof the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses and assessments.

Sec. 15. And be it further enacted, That if insurance on any house or building shall be and subsist in said Company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said Company shall be deemed and become void, unless such double insurance subsist with the consent of the Directors signified by endorsement on the back of the policy signed by the President and Secretary.

Sec. 16. And be it further enacted, That the said William A. Kent, Timothy Chandler and Samuel Fletcher or either two of them may call the first meeting of the members of said Company at any suitable time and place in Concord aforesaid by advertisement in either of the newspapers printed in said town, giving at least ten days' notice of the time, place and design of said meeting, for the purpose of choosing the first Board of Directors, of making and establishing by-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this act. Provided however, that no Policy shall be issued by said Company until application shall be made for insurance on fifty thousand dollars at least.

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT DEFINING THE JURISDICTION, POWERS AND DUTIES OF A JUDGE OF PROBATE AND THE DUTIES EXEMPTIONS AND LIABILITIES OF EXECUTORS ADMINISTRATORS AND GUARDIANS IN CERTAIN CASES.

[Approved July 1, 1825. Original Acts, vol. 29, p. 48; recorded Acts, vol. 23, p. 102. Session Laws, 1825, Chap. 48. Laws, 1830 ed., p. 349. See acts of June 21, 1820, Laws of New Hampshire, vol. 8, p. 902; December 2, 1820, *id.*, p. 923; July 2, 1822, *ante*, p. 110; July 3, 1822, *ante*, p. 155; June 30, 1826, *post*; January 2, 1829, *post*, and June 29, 1829, Session Laws, 1829, Chap. 26. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that the Judges of Probate in the several counties in this State be and hereby are authorized and empowered upon the application of any Guardian appointed by the laws of another state, whose ward may own lands within this State, to the Judge of Probate for the County wherein such lands may be situated upon his furnishing to said Judge satisfactory evidence of his being Guardian as aforesaid, to grant to such Guardian License to sell and convey the same in the same way and manner, as it may now by law be granted to guardians appointed by the laws of this State. The said Guardian being under oath to conduct such sale with fidelity and giving bond with sufficient surities to account for the proceeds of such sale, which bond shall be in the form required of Guardians in other cases, as is provided in the Act to which this is in addition.

Sec 2 And be it further enacted; that said Judges of Probate, upon application by the Executor or Administrator on the estate of any person deceased, may authorize and empower said Executor or Administrator to compound and discharge any debts or demands due the estate of such person deceased, in case of the insolvency of any such debtor, on receiving such sum as said Executor or Administrator shall deem proper or as said Judge of Probate may direct; and said Executor or Administrator for any debts or demands, he may so compromise and discharge shall not be held accountable on settlement of his administration account, beyond the amount he shall have received on such debts or demands.

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE DOVER FIRE AND MARINE INSURANCE COMPANY.

[Approved July 1, 1825. Original Acts, vol. 29, p. 49; recorded Acts, vol. 23, p. 104.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Daniel M. Durell, Jacob M. Currier, Robert Rogers, and their associates, successors and assigns, be, and they hereby are incorporated and made a body politic by the name of the Dover Fire and Marine Insurance Company, and so to continue for and during the term of twenty years from the passing of this act and no longer; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase and hold, sell and convey any estate real or personal for the use of said Company, subject to the limitations and restrictions herein after mentioned.

Sec. 2. And be it further enacted, That the capital stock of said Company shall be two hundred thousand dollars, exclusive of premiums, notes or profits arising from the business of said Company, and shall be divided into two thousand shares.

Sec. 3. And be it further enacted, That the stock, property, affairs and concerns of said Company shall be managed and conducted by seven Directors, one of whom shall act as President, who shall hold their offices one year, and until a new choice be made, and who shall at the time of their election be stockholders in said Company, and be elected on the first Monday of May, annually, at such time of the day, and at such place in the town of Dover as the Directors for the time being shall appoint, by a majority of the votes of the stockholders present, allowing one vote to each share; of which election public notice shall be given in some newspaper printed in said Dover; and the stockholders not present at any meeting may vote by proxy under such regulations as the Company shall have prescribed. And if by reason of any unavoidable accident, the Directors shall not be appointed on the first Monday of May in any year, it shall be lawful to choose them on any other day in manner herein prescribed.

Sec. 4. And be it further enacted, That the Directors so chosen shall meet as soon as may be after any election, and shall choose one of their own number for President, who shall preside for one year, and who shall be sworn faithfully to discharge the duties of

his office; and in case of the death or resignation of the President, or any Director, or of his or their inability to serve, such vacancy shall be filled up for the remainder of the year in which it may happen by a special election for that purpose to be holden in the same manner as herein before directed respecting the annual election Directors and President.

Sec. 5. And be it further enacted, That the President and three of the Directors, or four Directors in the absence of the President, shall be a Board competent to the transaction of business; and all questions before them shall be decided by a majority of votes. And they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property and effects of said Company, and the transfer of shares, and touching the duty and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; and shall also, have the power to appoint a Secretary, and so many clerks and servants for carrying on the said business of Insurance, and with such salaries and allowances to them and the President as to the said Board may seem meet: Provided that such by-laws, rules and regulations be not repugnant to the laws of this State.

Sec. 6. And be it further enacted, That there shall be a stated meeting of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper, and the President and a Committee of two Directors, to be by him appointed in rotation, shall assemble daily, if need be, for dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of said Board shall have power and authority on behalf of the Company to make Insurance upon Vessels, Goods, Effects and Freight, and against Fire upon Houses, Stores, Goods, Wares and Merchandize, and against Captivity of Persons, and on the Life of any Person or Persons, and in case of Money lent on Bottomry and Respondentia; and to fix the premiums and terms of payment; and all Policies of Insurance by them made shall be signed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the Company, and have the like effect and force as if under the seal of said Company; and all losses duly arising under any Policy so signed may be adjusted and settled by the President and Board of Directors, and the same shall be binding on said Company.

Sec. 7. And be it further enacted, That it shall be the duty of the Directors on the third Monday of May in each year to make dividends of so much of the interest arising from the capital stock and profits of said Company as to them shall appear advisable; but

the monies received and the notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividends shall not be considered as part of the profits of the Company. And in case of any loss or losses whereby the capital stock of said Company shall be lessened, each proprietor's and stockholder's estate shall be held accountable for the deficiency that may be due from his share or shares at the time of such losses taking place, to be paid into the said Company by assessments, or such other mode, and at such other times as the Directors shall order; and after such loss no dividend shall be made until a sum equal to such diminution shall have been added to the capital stock; and that once in every three years, and oftener if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits if any there be after deducting losses and dividends.

Sec. 8. And be it further enacted, That the said Company shall be and hereby is empowered to vest the capital stock of said Company in funded debt of the United States, or in Bank stock, loan it on promissory notes, or bills of exchange, and mortgages on real estate, in either or all of them, and in such proportions as may be most for the interests of said Company at the discretion of the President and Directors of said Company, or of such other person or persons as said stockholders shall for such purpose at every meeting appoint.

Sec. 9. And be it further enacted, That the capital stock of said Company shall be raised by assessments on the shares to be made by the President and Directors, and paid by instalments at such times as they shall prescribe; and for neglect of payment of any such assessments the delinquent share or shares may be sold for payment thereof, and the residue of the proceeds of such sale shall be paid to the owner of such share or shares.

Sec. 10. And be it further enacted, That the said Company may commence business, and make insurance as soon as a sum equal to fifty dollars on a share shall be assessed and actually paid in, and not before.

Sec. 11. And be it further enacted, That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his bona fide creditors, in manner following; that is to say—In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the debtor's share in said Company's funds, together with the interest and profits due or growing due thereon, or as much thereof as shall be sufficient, shall thereby be held to respond the judgment which may be recovered in said suit according to law; and all transfers of the debtor's shares

which are not noted on the Company's books previous to the delivery of such summons shall be barred thereby; and execution may be levied on the property of any stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy with his doings thereon with the Secretary of said Company; and the purchaser shall thereupon be entitled to the said debtor's share or shares in said stock, and the reception of all dividends and profits which the debtor was previously entitled to; and upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary to expose the books of said Company to the officer, and to furnish him with a certificate under his hand in his official capacity, stating the number of shares the debtor holds in said Company, and the amount of the dividends thereupon due. .

Sec. 12. And be it further enacted, That in case any loss or losses shall take place which shall be equal to the amount of the capital stock of said Company, and the President and Directors, after knowing such loss or losses, shall subscribe to any Policy of Insurance, their estates jointly and severally shall be liable and holden for the amount of any and every loss that shall happen under policies thus subscribed.

Sec. 13. And be it further enacted, That the President and Directors of said Company shall, previously to their subscribing to any Policy, and once in every year afterwards, publish in some newspaper or newspapers printed in Dover, the amount of their stock; against what risks the mean to insure, and the largest sums they will take on any one risk.

Sec. 14. And be it further enacted, That the President and Directors of said Company shall, when and as often as required by the Legislature of this State, lay before said Legislature a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Sec. 15. And be it further enacted, That subscriptions for shares in the stock of said Company shall be made under the direction of the said Daniel M. Durell, Jacob M. Currier, and Robert Rogers, or any two of them, and as soon as subscriptions shall be made for eight hundred shares or more, the said Daniel M. Durell, Jacob M. Currier and Robert Rogers, or any two of them, may notify a meeting of the subscribers at some place in Dover by advertising the same two weeks successively in some newspaper printed in said Dover; at which meeting the said subscribers may by ballot, having reference to the number of shares by each respectively subscribed, elect their first Board of Directors, who shall continue in office until the next annual meeting, and until others shall be chosen in their stead.

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO, AND IN AMENDMENT OF AN ACT, ENTITLED
 "AN ACT MORE EFFECTUALLY TO SECURE TO THE CITIZENS OF THIS
 STATE THEIR RIGHTS OF SUFFRAGE" APPROVED JUNE 23, 1813.

[Approved July 1, 1825. Original Acts, vol. 29, p. 50; recorded Acts, vol. 23, p. 110. Session Laws, 1825, Chap. 50. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 247. See also acts of June 14, 1799, id., vol. 6, p. 568; December 21, 1808, id., vol. 7, p. 737; June 28, 1809, id., p. 841; June 24, 1814, id., vol. 8, p. 358; June 23, 1815, id., p. 416, and June 26, 1827, *post*. Repealed by act of June 29, 1827, *post*.]

Be it enacted by the Senate and House of Representatives in General Court convened; that from and after the passing of this act, it shall be the duty of the several town-clerks in this State, in making out the certificates of the election of the Representatives of their respective towns, to certify in such certificate that the check list was posted up and used during the balloting on which they were chosen and also, to certify the number of voters which said list contained as certified by the Selectmen.

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT TO PREVENT THE DISTURBANCE OF RELIGIOUS MEETINGS

[Approved July 1, 1825. Original Acts, vol. 29, p. 51; recorded Acts, vol. 23, p. 111. Session Laws, 1825, Chap. 51. Laws, 1830 ed., p. 379. See also acts of July 3, 1838, Session Laws, 1838, Chap. 382, and June 23, 1842, id., June, 1842, Chap. 667. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened that no person or persons shall keep any shep tent, bocth, waggon or other carriage for the sale of spirituous or other lequors within the distance of two miles from any public assembly convened for religious worship.

Provided nevertheless that nothing herein contained shall prevent the sale of spirituous or other liquors, at any training or other public meeting called by lawful authority, or on any fourth of July or other public aniversary, or at his or their own store or dwelling house by any person or persons who shall be licenced according "to law to retail spirituous liquors.

Sec 2 And be it further enacted; that if any person or persons shall be guilty of a violation of this act he or they shall firt be

informed of his or their violation thereof and shall be warned by any Justice of the Peace, Constable or two freeholders of the County where the offence is or shall be committed to desist from such offence and if such person or persons on receiving such information and warning shall forthwith cease to sell, give away or dispose of in any way or manner such spirituous or other liquors or shall remove at least two miles from the place of such religious worship then no further proceedings under this act shall be had against him or them but if such person or persons shall refuse or neglect to remove immediately or cease to sell such spirituous or other liquors, prohibited in this act he or they on conviction thereof on complaint before any Justice of the Peace shall forfeit and pay a fine not exceeding ten Dollars nor less than two Dollars

Sec 3 And be it further enacted; that if any person or persons shall wilfully interrupt or disturb any meeting assembled for the purpose of religious worship by making a noise or by rude or indecent behaviour or by exhibiting any shows or plays or by promoting or aiding any horse-racing or gameing of any description so as to interrupt or disturb the order of said meeting, he or they on conviction thereof before any Justice of the Peace shall pay a fine not exceeding Ten Dollars nor less than one Dollar. All fines and penalties accruing by this act to be for the benefit and relief of the poor of such town or place where the offence is committed and delivered into the hands of the Selectmen or overseers of the poor for that purpose.

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT SUBJECTING LANDS AND TENEMENTS TO THE PAYMENT OF DEBTS, AND DIRECTING THE MODE OF LEVYING EXECUTIONS ON REAL AND PERSONAL ESTATE."

[Approved July 1, 1825. Original Acts, vol. 29, p. 52; recorded Acts, vol. 23, p. 112. Session Laws, 1825, Chap. 52. The act referred to is probably dated February 15, 1791, Laws of New Hampshire, vol. 5, p. 701. See also acts of December 22, 1808, id., vol. 7, p. 771; November 5, 1813, id., vol. 8, p. 274, and June 25, 1816, id., p. 485. Repealed by act of July 4, 1820, Session Laws, 1820, Chap. 62.]

Be it enacted by the Senate and House of Representatives in General Court convened, That when any execution shall be levied or extended upon real or personal estate, and after levying, or extending the same, it shall appear that such estate, or some part thereof, did not, at the time such execution was levied or extended

as aforesaid, belong to the execution debtor; then and in every such case the creditor, his executors or administrators may commence and sustain an action of debt, upon the judgment on which such execution issued, against the debtor, his executors, or administrators. And if upon the trial of such action, it shall appear that such estate or some part thereof did not, at the time of such levy or extent, belong to the execution debtor, the plaintiff may recover the amount then equitably due and unsatisfied. And the Court or Justice before whom such action shall be tried may add to the taxable costs all or any part of the charges of levying such execution. And in case the plaintiff shall not prevail in such action, the court or Justice, before whom the same shall be tried, may allow the defendant such Costs as said Court or Justice may deem just and proper—

And be it further enacted—That if any execution shall be levied or extended on real or personal estate not belonging to the execution debtor; and such debtor shall die before any action shall be brought and recovery had in the manner provided in the first section of this act, and his or her estate be represented insolent, the execution creditor, his executors or administrators may exhibit such demand to the Commissioners on the estate of such execution debtor, and the Commissioners shall examine such demand and allow or reject the same as justice may require—And an appeal from the determination of said Commissioners may be had as in other cases—

And be it further enacted, That whenever an execution shall be wholly satisfied or satisfied in part by levying the same on personal property not belonging to the execution debtor at the time of such levy, no action shall be sustained upon the judgment whereon such execution issued, to recover what may be equitably due by reason of the property so levied, not belonging to the execution debtor as aforesaid, unless such action shall be commenced and prosecuted within six years next after such levy—

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT PRESCRIBING THE MODE OF ASSESSING TAXES ON MANUFACTORIES.

[Approved July 1, 1825. Original Acts, vol. 29, p. 53; recorded Acts, vol. 23, p. 114. Session Laws, 1825, Chap. 53. Repealed by act of July 7, 1827, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the ratable estate belonging to any manufacturing corporation or company in this State

shall hereafter be taxed to such corporation or company, by its corporate name, and in the town or place wherein said ratable estate is situated; and the personal estate of such corporation or company shall be held subject and liable to distraint and sale for the payment of all taxes, which may be on such corporation or company assessed, in the same way and manner as the personal estate of individual persons is now by law liable; and it shall be the duty of any collector having a tax or taxes committed to him for collection against any such corporation or company fourteen days before he make distress therefor, to give to the agent, clerk, treasurer, or to one of the directors of such manufacturing corporation or company, a notice in writing stating the sum or sums at which they are assessed.

Section 2. And be it further enacted,—That hereafter in assessing public taxes on any manufacturing company or corporation in this State, all raw materials, intended for manufacture, and all manufactures belonging to such corporation or company shall be estimated and taxed as stock in trade; all factory buildings and work shops, with the machinery thereunto appertaining, and all other buildings belonging to and owned by any such corporation or company, shall be estimated and taxed as buildings; and the stock in trade buildings, and all other ratable estate of such corporation or company, shall hereafter be valued and taxed at the same rate as the same kinds of ratable estate, owned by individual persons, are by law valued and taxed: Provided that no factory building or machinery shall be liable to taxation, until the same shall be in a situation to be put into operation.

Section 3. And be it further enacted, That it shall be the duty of the clerk, agent, or directors of any manufacturing company or corporation in this State annually to exhibit to the selectmen of the town wherein such manufacturing establishment is situated, a true and just account of all the ratable estate, of which such company or corporation shall be possessed on the first day of April in each year. And in case any such clerk, agent, or directors shall neglect, after being duly notified, or shall refuse, when called upon in person, by any of the selectmen of such town, to give a true account, on oath, if required, of the ratable estate of such manufacturing company or corporation, which oath any selectman is hereby empowered to administer; or in case such clerk, agent or directors, in giving an account of the ratable estate of such company or corporation, shall not give in the whole thereof so ratable, but shall fraudulently conceal some part thereof from the knowledge of such selectmen, they may, for such neglect or refusal, doom, or for such fraudulent concealment, assess such company or corporation in the same way and manner, and at the same rate, as they may by law doom and assess an individual person for such neglect or refusal, and for such fraudulent concealment of a part of his ratable estate.

Section 4. And be it further enacted, That where any manufactory, shall be owned by any individual or individuals not incorporated, the same shall be taxed to the owner or owners in the town where the said factory is situated, at the same rates as are prescribed in this act for assessing manufacturing corporations.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MERRIMACK COUNTY MUTUAL FIRE INSURANCE COMPANY

[Approved July 1, 1825. Original Acts, vol. 29, p. 54; recorded Acts, vol. 23, p. 117.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Low, Isaac Hill, William Whittemore, Joshua Darling, Henry B. Chase, Samuel Aiken, Jacob B. Moore, Samuel Morrill, William Pickering John George, Richard H. Ayer, and all other persons who may hereafter become members of said company in the manner herein prescribed be and they hereby are incorporated and made a body politic by the name of the Merrimack County Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses and other buildings with their contents, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by invasion of an enemy, or insurrection of the citizens of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association; and they may sell and convey the same at pleasure; may make and establish and put in execution such by laws, ordinances and resolutions, not being contrary to the laws of the State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this grant

Sec. 2. And be it further enacted, That all and every person and persons who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as herein after provided, shall be deemed and taken to be members thereof for and during the time specified, in their respective policies,

and no longer, and shall at all times be concluded and bound by the provisions of this act.

Section 3 And be it further enacted, That there shall be a meeting of said company at Concord in the county of Merrimack on the third Tuesday of July annually, or on such other day as the said company may hereafter determine, at which shall be chosen by a major vote of the members present a board of Directors consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead. All vacancies happening in said board may be filled by the remaining members until the next annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the company may be called by order of the Directors, and in such other manner as the by-laws thereof may have prescribed.

Section 4. And be it further enacted, That the Board of Directors shall superintend the concerns of said Company, and shall have the management of the funds and property thereof and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power from time to time to appoint a Secretary, Treasurer and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them, as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding three fourths of its value; and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the treasurer for payment of all losses which may have happened, and for the expenses incurred in transacting the concerns of said company.— They shall elect one of their own number to act as President, and may hold their meetings monthly and oftener if necessary for the transacting the business of the company, and shall keep a record of their proceedings; and any director disagreeing with a majority of the board at any meeting may enter his dissent with his reasons therefor on record.

Section 5. And be it further enacted, That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, pay into the treasury such a percent on the property insured as the Directors shall require, and annually thereafter such sum as may be required by the Directors, not exceeding the original sum paid in. Any member neglecting to pay his annual assessment by the day appointed for such payment shall cease to have his property insured until the

day on which he pays, and can have no allowance nor alteration in the time of the next payment. Should any member neglect to pay the annual assessment for one year after it becomes due and payable, his right to the capital stock shall be forfeited.

Section 6. And be it further enacted, That in case of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give notice thereof in writing to the Directors or some one of them, or to the Secretary of said Company within thirty days from the time such loss or damage may have happened: and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next Court to be holden in and for the county of Merrimack, and not afterwards: and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the Directors, the party suffering shall have judgment therefor against said company with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs; provided however, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the Directors aforesaid; and provided also, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Section 7. And be it further enacted, That the said Company may make insurance for any term not exceeding seven years: and any policy of insurance issued by said Company, signed by the President and countersigned by the Secretary, shall be deemed valid and binding on said Company in all cases.

Section 8. And be it further enacted, That the Directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper within that time to rebuild the house or houses destroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time; provided they do not lay out and expend in such building or repairs more than the sum insured on the premises: but no allowance is to be made in estimating damages, in any case, for gilding, historical or landscape painting, stucco or carved work; nor are the same to be replaced if destroyed by fire.

Section 9. And be it further enacted, That if any alteration should be made in any house or building by the proprietor thereof after insurance has been made thereon by said Company whereby it may be exposed to greater risk or hazard from fire than it was at

the time it was insured, then and in every such case the insurance made upon such house or building shall be void unless an additional premium and payment after such alteration be settled with and paid to the Directors; but no alteration or repairs in buildings not increasing such risk or hazard shall in any wise affect the insurance previously made thereon.

Section 10. And be it further enacted, That if insurance on any house or building shall be and subsist in said Company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said Company shall be deemed and become void, unless such double insurance subsist with the consent of the Directors, signified by indorsement on the back of the policy signed by the President and Secretary.

Section 11. And be it further enacted, That if it should ever happen that the stock of said Company shall not be sufficient to pay all the loss occasioned by any fire, then in such case the sufferers insured by said Company shall receive towards making good their respective losses a proportionable dividend of the said whole stock according to the sums to them respectively insured by said Company.

Section 12. And be it further enacted, That the Directors shall never require assessments which shall make the funds of the Company exceed three per cent. on the amount of property insured.

Section 13. And be it further enacted, that the said Joseph Low, Isaac Hill and William Pickering, or either two of them may call the first meeting of the members of said Company at any suitable time and place in Concord aforesaid, by advertisement in either of the newspapers printed in the County of Merrimack, giving at least twenty days notice of the time, place and design of said meeting, for the purpose of choosing the first Board of Directors, of making and establishing By-Laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this act.

[CHAPTER 55.]

State of)
New Hampshire. {

AN ACT TO INCORPORATE THE CHESHIRE COUNTY MUTUAL FIRE-INSURANCE COMPANY—

[Approved July 2, 1825. Original Acts, vol. 29, p. 55; recorded Acts, vol. 23, p. 123. See acts of January 8, 1853, Session Laws, November, 1852, Chap. 1357, and July 2, 1881, id., 1877-81, p. 563.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That Daniel W. Farrar, Thomas Bellows, Aaron Dean, Joseph Appleton, Horace Hall, Sam-

uel Grant, Phinehas Handerson, Thomas Woolson, Levi Chamberlain, John Sabin, Stephen Johnson, Josiah Richards, Josiah Bellows, 3rd, James Wilson, junior, Thomas C. Drew, Rufus Handerson, Daniel W. Bisco, and all other persons who may hereafter become members of said Company in the manner herein prescribed, be, and they hereby are incorporated and made a body politick by the name of the Cheshire County Mutual Fire-Insurance Company, for the purpose of insuring their respective dwelling-houses and other buildings, with their contents, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this, or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and they may sell and convey the same at pleasure; may make and establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of the State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this grant.

Sec. 2. And be it further enacted, That all and every person and persons who shall at any time become interested in said Company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as herein after provided, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Sec. 3. And be it further enacted, That there shall be a meeting of said Company at Walpole in the county of Cheshire on the first Tuesday of September, annually, or, on such other day as the said Company may hereafter determine; at which shall be chosen by a major vote of the members present a Board of Directors, consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead. All vacancies happening in said Board may be filled by the remaining members until the next annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the Company may be called by order of the Directors, or in such other manner as the by-laws thereof shall have prescribed.

Sec. 4. And be it further enacted, That the Board of Directors shall superintend the concerns of said Company, and shall have the

management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said Company. They shall have power from time to time to appoint a Secretary, Treasurer, and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding three fourths of its value, and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the office of said Company, and for carrying on the affairs thereof; and may draw upon the Treasurer for the payment of all losses which may have happened, and for the expenses incurred in transacting the concerns of said Company: They shall elect one of their own number to act as President, and may hold their meetings monthly and oftener if necessary for transacting the business of the Company, and shall keep a record of their proceedings; and any Director disagreeing with a majority of the Board at any meeting may enter his dissent with his reasons therefor on record.

Sec. 5. And be it further enacted, That any person who shall become a member of said Company by effecting insurance therein, shall before he receives his policy pay into the treasury such a percent on the property insured as the Directors shall require, and annually thereafter such sum as may be required by the Directors not exceeding the original sum paid in; and any member neglecting to pay his annual assessment by the day appointed for such payment, shall cease to have his property insured until the day on which he pays, and can have no allowance, nor alteration in the time of the next payment. Should any member neglect to pay the annual assessment for one year after it becomes due and payable, his right to the capital stock shall be forfeited.

Sec. 6. And be it further enacted, That in case of any loss or damage by fire happening to any member upon property insured in and with said Company, the said member shall give notice thereof in writing to the Directors, or some one of them, or to the Secretary of said Company within thirty days from the time such loss or damage may have happened, and the Directors upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against said Company for said loss or damage at any Court to be holden in and for the county of Cheshire within one year from the time of such loss or damage, and not afterwards;

and if upon trial of said action, a greater sum shall be recovered than the amount determined upon by the Directors, the party suffering shall have judgment therefor against said Company with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said Company shall recover their costs: Provided however that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the Directors aforesaid; and provided also, that execution shall not issue on any judgment against said Company until after the expiration of three months from the rendition thereof

Sec. 7. And be it further enacted, That the said Company may make insurance for any term not exceeding seven years; and any Policy of insurance issued by said Company, signed by the President and countersigned by the Secretary shall be deemed valid and binding on said Company in all cases.

Sec. 8. And be it further enacted, That the Directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper within that time to rebuild the house or houses destroyed or repair the damages sustained, which they are hereby empowered to do in convenient time: provided they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made in estimating damages in any case for gilding, historical or landscape painting, stucco or carved work; nor are the same to be replaced if destroyed by fire.

Sec. 9. And be it further enacted, That if any alteration shall be made in any house or building by the proprietor thereof after insurance has been made thereon by said Company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and payment after such alteration be settled with and paid to the Directors; but no alteration or repairs in buildings not increasing such risk or hazard shall in any wise affect the insurance previously made thereon.

Sec. 10. And be it further enacted, That if insurance on any house or building shall be and subsist in said Company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said Company shall be deemed and become void, unless such double insurance subsist with the consent of the Directors, signified by endorsement on the back of the policy signed by the President and Secretary.

Sec. 11. And be it further enacted, That if it should ever happen that the Stock of said Company shall not be sufficient to pay

all the loss occasioned by any fire, then and in such case the sufferers insured by said Company shall receive towards making good their respective losses a proportionable dividend of the said whole stock according to the sums to them respectively insured by said Company.—

Sec. 12. And be it further enacted, That the Directors shall never require assessments which shall make the funds of the Company exceed three per cent on the amount of property insured.

Sec. 13. And be it further enacted, That the said Samuel Grant, Daniel W Bisco and Josiah Bellows 3rd, or either two of them, may call the first meeting of the members of said Company at any suitable time and place in Walpole aforesaid by advertisement in either of the newspapers printed in the county of Cheshire, giving at least twenty days' notice of the time, place and design of said meeting, for the purpose of choosing the first Board of Directors, of making and establishing by-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this act.

[CHAPTER 56.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE COMMERCIAL BANK.

[Approved July 2, 1825. Original Acts, vol. 29, p. 56; recorded Acts, vol. 23, p. 129. See additional act of June 23, 1831, Acts, vol. 28, p. 41.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas G. Berry, Daniel Brown, Sylvester Melcher, Meschech B. Trundy, their associates, and those who may hereafter become associates in said Bank, their successors and assigns, shall be, and they are hereby created and made a Corporation by the name of The President, Directors and Company of the Commercial Bank; and shall so continue from the first day of September next until the expiration of twenty years next following; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any other place whatever; and also, to make, have and use a common seal, and the same at pleasure to break, alter or renew; and also, to ordain, establish and put in execution such by laws, ordinances and regulations, not being repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government, and

for the prudent management of the affairs of said Corporation; Subject always to the rules, restrictions limitations and provisions hereinafter prescribed.

Section 2. And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than one hundred thousand dollars, nor more than three hundred thousand dollars, in specie, and shall be divided into two thousand shares; and the stockholders at their first meeting shall, by a majority of votes, determine the amount of payments to be made on each share, and the time when and where they shall be made; also the mode of transferring and disposing of the stock and the profits thereof; which being entered on the books of said Corporation, shall be binding on the stockholders, their successors and assigns; Provided, that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of one hundred thousand dollars at least. And said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of twenty five thousand dollars, and no more at any one time with power to bargain, sell and dispose of the same; and to loan and negotiate their monies and effects by discounting on banking principles on such security as they shall think advisable.

Section 3. And be it further enacted, That the following rules, limitations and provisions shall form and be the fundamental articles of said corporation:—

1st. That the said Corporation shall not issue and have in circulation, at any one time, bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said Bank. And in case any Cashier, Director or other officer of said Bank, at any time, shall knowingly issue, or order, direct or cause to be issued and put in circulation, bills, notes or obligations of said Bank, which together with those issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such Cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2d. That dividends may be made semiannually among the stockholders of said Bank of the interest and profits actually received; but no part of the capital stock of said Bank shall either before or after the expiration of the time limited by this act for the continuance of said Corporation, be divided among, or paid to the stockholders without the licence of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thou-

sand dollars, nor less than one thousand dollars; Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's notice of their intention by advertisement in two newspapers, published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said Corporation.

3d. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by reason of bad or desperate debts due to the Bank, or by any other means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution no dividend of interest of profit shall be made, until such loss, or diminution shall be replaced and supplied by assessments and actual payments by the stockholders, or by appropriations therefor of the interests and profits actually received.

4th. That said corporation shall not vest, use nor improve any of its monies, goods, chattels, or effects in trade or commerce, but may sell all kind of personal pledges lodged in its possession by way of security, to an amount sufficient to reimburse the sum or sums loaned, and interest.

5th. That none but a member of said Corporation, being a citizen of this State, and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President. The Cashier, before he enters on the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with condition for the faithful performance of the duties of his office.

6th. That for the well ordering of the affairs of said Corporation, a meeting of the stockholders from and after their first meeting, shall be holden at such place as they shall direct on second Monday of July, annually, and at any other time during the continuance of said Corporation, at such place as may be appointed by the President and Directors for the time being, by public notice being given at least two weeks prior thereto:—at which annual meeting there shall be chosen by ballot Nine Directors to continue in office the year ensuing their election, and until others shall be chosen in their stead; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the capital stock of said Bank. Absent members may vote by proxy, being authorized in writing signed by the person represented and filed with the Cashier.

7th That no Director shall be entitled to any emolument for his services, but the stockholders may make the President such compensation as to them shall appear reasonable.

8th That no less than a majority of the Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence, in which case, the Directors present may choose a chairman for the time being in his stead.

9th That all bills issued from the Bank aforesaid, signed by the President, and countersigned by the Cashier shall be binding on said Corporation.

10th That the Directors shall appoint a Cashier, clerk, and all such other officers, agents or servants, for conducting the business of the Bank, with such salaries as to them may seem just and proper

11th That said Bank shall be established and kept in the town of Portsmouth in the County of Rockingham.

12th. That the Legislature shall at all times have the right, by persons duly appointed for that purpose, to examine into the state and condition, and all the "doings and transactions of said Corporation, and of its officers, relating to the same; for which purpose all the books of the Corporation, together with its monies and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said Corporation shall answer on oath, if required, all suitable and proper interrogations relating to the state, condition and transactions of said Bank.—

Section 4. And be it further enacted, That any three of the persons herein before named may call a meeting of the members of said Corporation as soon as may be convenient, at such time and place as they may see fit by advertisement in either of the newspapers printed in Portsmouth at least one week prior to the time of meeting, for the purpose of making and establishing such by laws, ordinances and regulations as the said members may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

Section 5th And be it further enacted, That all penalties incurred for the breach of any of the provisions of this act, may be recovered by information or suit in the name of the State.

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE

[Approved July 2, 1825. Original Acts, vol. 29, p. 57; recorded Acts, vol. 23, p. 134. Session Laws, 1825, Chap. 57.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be raised for the use of this State the sum of Thirty Thousand Dollars, which sum shall be assessed, collected and paid into the Treasury on or before the first day of December in the year of our Lord one thousand eight hundred and twenty six. And the Treasurer be and hereby is directed seasonably to issue his warrants to the selectmen or assessors of the several towns, parishes and districts within this state according to the last proportion act. And the selectmen and assessors of the several towns, parishes and districts aforesaid are hereby respectively to assess the sums specified in the Treasurer's warrants, and cause the same to be paid into the Treasury of this State on or before the first day of December in the year of our Lord one thousand eight hundred and twenty-six. And the Treasurer may issue extents for all taxes that may then remain unpaid

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT ENTITLED AN ACT TO PREVENT PERSONS FROM DIGGING UP THE BODIES OF DEAD PEOPLE.

[Approved July 2, 1825. Original Acts, vol. 29, p. 58; recorded Acts, vol. 23, p. 135. Session Laws, 1825, Chap. 58. Laws, 1830 ed., p. 162. See acts of June 16, 1796, Laws of New Hampshire, vol. 6, p. 334; June 22, 1810, id., vol. 7, p. 894, and July 5, 1834, Session Laws, 1834, Chap. 191. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That if any person or persons shall be convicted of either of the offences mentioned in the act to which this is an addition, and shall be sentenced by the Court before whom the trial thereof is had, to imprisonment it shall be in no case for a less time than one year; and if sentenced by said court

to pay a fine, it shall be in no case for a less sum than five hundred dollars, any thing in said act to the contrary notwithstanding.— Provided, that this act shall have no effect to alter the sentence for any offence which may have been committing prior to the passing hereof.

[CHAPTER 59.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE CONWAY COTTON AND WOOLLEN FACTORY.

[Approved July 2, 1825. Original Acts, vol. 29, p. 59; recorded Acts, vol. 23, p. 136.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That, Thomas S. Abbot, Jonathan T. Chase, John Hill, their associates, successors and assigns, be, and they hereby are incorporated and mad a body politic by the name of the Proprietors of the Conway Cotton and Woollen Factory; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be called and known in all cases whatever; and hereby are vested with all the powers and privileges incident to similar corporations.

Section 2. And be it further enacted, That said Corporation be, and hereby is authorized and empowered to carry on the manufacture of Cotton and Woollen Goods, and such other kinds of business as shall be necessary or conveniently connected therewith at Conway in the County of Strafford and may erect all necessary mills, milldams, buildings and mashinery for conducting and carrying on these manufactures,—

Section 3. And be it further enacted, That said Corporation may purchase and hold such real and personal estate as may be necessary or useful in conducting the business aforesaid, and for the convenient management thereof upon the present, or more enlarged scale not exceeding two hundred thousand dollars, and the same may sell and dispose of at pleasure.

Sec. 4. And be it further enacted, That any two of the persons above named may call the first meeting of said proprietors, to be holden at any suitable time and place, by advertisement posted up in two public places in said Conway fifteen days at least previous thereto, or by giving ten days personal notice of the time, place and design of said meeting; At which said first meeting the said proprietors may agree upon the manner of calling their future meetings; and at the same or any subsequent meeting duly holden they may

choose a clerk and all other necessary officers for conducting the concerns of said Corporation; may divide their capital or joint stock into such number of shares as they may deem proper; and agree upon the manner of transferring them; may order assessments, and fix the time of their payment; may pass such by-laws as they may deem necessary, not being contrary to the laws of the State, for their regulation and government, and do and transact any business necessary for carrying into effect the objects of their associations. All questions shall be determined by a majority of votes present or represented at any meeting allowing one vote to each share in all cases. Absent members may vote by proxy, being authorised in writing signed by the person represented and filed with the Clerk.

Sec. 5. And be it further enacted, That the share or shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the nonpayment thereof within the time fixed for their payment, the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments with incidental charges under such regulations as said Corporation may in its by-laws have prescribed.

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT TO REPEAL AN ACT THEREIN NAMED

[Approved July 2, 1825. Original Acts, vol. 29, p. 60; recorded Acts, vol. 23, p. 138. Session Laws, 1825, Chap. 60. See act referred to, *ante*, p. 330.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the act entitled "An act to divide the State into districts for the choice of Representatives for this State in the Congress of the United States, and to prescribe the mode of their election," passed December 16th, 1824—be and the same is hereby repealed.

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE KEEPING AND SELLING, AND THE TRANSPORTING OF GUNPOWDER.

[Approved July 2, 1825. Original Acts, vol. 29, p. 61; recorded Acts, vol. 23, p. 139. Session Laws, 1825, Chap. 61. See also acts of February 18, 1794, Laws of New Hampshire, vol. 6, p. 152, and June 21, 1820, id., vol. 8, p. 907. Repealed by act of July 6, 1827, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall not at any time be kept in any warehouse, store, shop, or other building in the compact part of any town or village in this State, a greater quantity of gunpowder than three quarter cask or seventy-five pounds; and any person or persons so keeping a greater quantity shall forfeit and pay for every day during which such greater quantity of gunpowder shall be kept as aforesaid a sum not exceeding five dollars nor less than one dollar, to be recovered by any person suing for the same in an action of debt before any Justice of the Peace, or Court proper to try the same with costs of suit, one half for the use of the prosecutor, and the other half for the use of the town in which such gunpowder is kept; or, if sued for by the firewards or selectmen of any town, then the whole of said forfeiture shall be kept for the use of said town, to be expended by said firewards or selectmen in purchasing materials necessary and proper for extinguishing fires; and the said firewards or selectmen are hereby authorized and empowered to seize any gunpowder kept as aforesaid in a greater quantity than one quarter cask and cause the same to be condemned in any court proper to hear and try the same, the avails of which shall be expended for the purposes aforesaid.

Section 2. And be it further enacted, That every person keeping gunpowder to sell by retail in less quantity than seventy-five pounds, and who shall not at all times keep the same in a tin canister or canisters, or other incombustible vessel or vessels, covered and secured from fire, or in casks which shall be enveloped in substantial and close leathern bags or sacks, shall forfeit and pay for each and every day he, she or they shall so keep it a sum not exceeding five dollars nor less than one dollar, to be sued for and recovered with costs of suit in the manner, and for the uses and purposes aforesaid.

Section 3. And be it further enacted That gunpowder shall not be transported or carried through the compact part of any town or village, in any cart, wagon, or other open carriage in a greater quantity than one hundred pounds at any one time, nor unless the casks containing the gunpowder so transported, if more than twenty-five

pounds be enveloped in substantial and close leathern bags or sacks; and any person or persons transporting gunpowder as aforesaid, in a greater quantity and without being enveloped as aforesaid except the same be conveyed in a closely covered carriage, shall forfeit and pay a sum not more than fifty dollars, nor less than ten dollars, to be sued for and recovered with costs of suit, in the manner and for the uses and purposes aforesaid.

Section 4. And be it further enacted, That no person shall at any time transport or carry from town to town, or from place to place any gunpowder for the purpose of peddling, or selling it by retail, on penalty that the owner or owners, or person or persons selling it, or offering it for sale shall forfeit and pay a sum not exceeding five dollars, nor less than one dollar for each cask of gunpowder so transported or carried and sold or offered for sale, to be recovered with costs of suit and applied to the same uses and purposes as herein before directed.

Section 5. And be it further enacted, That if any person or persons shall sell or offer for sale by retail any gunpowder in any highway, or in any street, lane, or alley, or on any wharf, or on any parade or common, such person so offending shall forfeit and pay for each and every offence a sum not more than five dollars, nor less than one dollar, to be recovered and applied as aforesaid.

Section 6. And be it further enacted, That if any person or persons shall within this State, in the night time, between sunseting and sunrising sell or offer to sell by retail, or deal out any gunpowder, such person so offending shall forfeit and pay for each and every such offence a sum not more than five dollars, nor less than one dollar, to be recovered and applied as aforesaid.

Section 7. And be it further enacted, That all prosecutions for offences against this act shall be commenced within three months after the offence shall have been committed, and not afterwards.

[CHAPTER 62.]

State of)
New Hampshire. }

AN ACT TO ALTER THE NAMES OF SUNDRY PERSONS THEREIN MENTIONED.

[Approved July 2, 1825. Original Acts, vol. 29, p. 62; recorded Acts, vol. 23, p. 142. Session Laws, 1825, Chap. 62.]

Whereas certain persons have petitioned the Legislature to alter their names and their request appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General court convened That Elis Leathers of Barnstead shall here-

after be called and known by the name of Elijah Clark—Robert Mark Patterson of Londonderry shall hereafter be called and known by the name of Robert Patterson—George Washington Johnson of Enfield shall hereafter be called and known by the name of George Washington—Thomas Penny of Barnstead shall hereafter be called and known by the name of Thomas Penny Woodman, likewise Betsy the wife of said Thomas Penny and his children Irene Jane, Francis, Elbridge Gerry, and Thomas Penny Junior shall severally assume and bear the name of Woodman, David Moulton of Sandbornton shall hereafter be called and known by the name of David Virgin Moulton John Woodcock of Unity shall hereafter be called and known by the name of John Bertram—Samuel Brackett Woodcock of Unity shall hereafter be called and known by the name of Samuel Brackett Bertram John Fernald of Somersworth shall hereafter be called and known by the name of John Gardner, Joseph Lock 4th of Rye shall hereafter be called and known by the name of Joseph Leavitt Locke John Roberts 4th of Somersworth shall hereafter be called and known by the name of John Garland Roberts.

[CHAPTER 63.]

State of }
New Hampshire. }

AN ACT FOR THE PRESERVATION OF PICKEREL IN SUNCOOK PONDS IN THE TOWN OF BARNSTEAD, IN THE COUNTY OF STRAFFORD—

[Approved July 2, 1825. Original Acts, vol. 29, p. 63; recorded Acts, vol. 23, p. 144. Session Laws, 1825, Chap. 63. Laws, 1830 ed., p. 259. Repealed by acts of June 28, 1831, Session Laws, 1831, Chap. 27, and December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That if any person or persons shall use any seine, spear, stab or grapple for the purpose of catching or destroying any Fish called pickerel in the either of the Suncook ponds in the town of Barnstead in the County of Strafford between the first day of April and the twentieth day of June in each year, such person or persons so offending shall, for every pickerel so caught or destroyed forfeit and pay the sum of two dollars, to be recovered with costs in an action of debt by any person who shall sue for the same before any Justice of the Peace within the County of Strafford, one half thereof to the use of the person who may sue for the same, and the other half to the use of the poor of the Town of Barnstead

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT REGULATING THE SERVICE OF MESNE PROCESS ON CORPORATIONS IN CERTAIN CASES.

[Approved July 2, 1825. Original Acts, vol. 29, p. 64; recorded Acts, vol. 23, p. 145. Session Laws, 1825, Chap. 64. Laws, 1830 ed., p. 87. See also acts of December 11, 1812, Laws of New Hampshire, vol. 8, p. 162; July 6, 1827, *post*, and July 4, 1834, Session Laws, 1834, Chap. 162. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that when any body politic or corporate are sued in this State who have no clerk or member residing therein on whom service can be made an attested copy of the writ shall be delevered to the agent, overseer or person having the care or control of the Corporate property or part thereof in this State thirty days before the setting of the Court to which the same is returnable or left at his last and usual place of abode thirty days prior to the setting of the Court to which it is returnable by the officer who serves the same with a true and attested copy of his return thereon which shall be a good and sufficient service of said writ.

Sec 2 And be it further enacted; that when any shares or interest of any person in any corporation established by the laws of the State, are attached on mesne process or Execution an attested copy of the writ or Execution may be delivered to the agent owner or person having the care of said Corporate property in the State, (if no Clerk, treasurer, Secretary or cashier of said Corporation reside in this State) by the officer who serves the same and all papers required to be given to such Clerk Treasurer, or cashier may in such case be delivered to such Agent, owner, or person having the care of said Corporate property which shall be as good and effectual in law as if delivered to the Clerk Treasurer Secretary or Cashier of said Corporation.

[CHAPTER 65.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO THE SEVERAL ACTS NOW IN FORCE RELATING
 TO PERSONS IMPRISONED FOR DEBT.

[Approved July 2, 1825. Original Acts, vol. 29, p. 65; recorded Acts, vol. 23, p. 146. Session Laws, 1825, Chap. 65. See acts of May 21, 1774, Laws of New Hampshire, vol. 3, p. 619; June 21, 1782, id., vol. 4, p. 407; January 3, 1784, id., p. 541; June 10, 1789, id., vol. 5, p. 442; February 15, 1791, id., p. 704; June 13, 1796, id., vol. 6, p. 321; December 13, 1796, id., p. 372; November 30, 1803, id., vol. 7, p. 167; June 16, 1807, id., p. 583; December 23, 1808, id., p. 785; June 24, 1813, id., vol. 8, p. 261; June 23, 1814, id., p. 343; June 26, 1816, id., p. 499; June 25, 1818, id., p. 705; January 3, 1829, *post*; July 2, 1831, Session Laws, 1831, Chap. 30; January 3, 1833, id., November, 1832, Chap. 107; July 4, 1838, id., 1838, Chap. 370, and December 23, 1840, id., November, 1840, Chap. 547.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened; that when any person shall be committed on Execution upon which by the Laws of this State he shall be entitled to be liberated on taking the oath prescribed by law.—said debtor may immediately apply to any two of the Justices who are now by law authorized to administer said oath, and either of the Justices applied to shall make an order on such application, appointing the time and place when and where said application will be taken into consideration, and the debtor shall cause the creditor, or the person on whom by the present laws notice is required to be served to be served with a copy of such application and order of such notice thereon at least fifteen days before the day appointed for such hearing, and if it shall happen that one of the Justices issuing such notice is necessarily prevented from attending at the time and place named therein; the Justices attending at the time, place and for the purpose mentioned in such notice, on receiving satisfactory evidence that the same had been duly served may postpone the hearing on such application for any term not exceeding ten days, making proclamation thereof at the time. And the Justices issuing such notice at the time and place, to which such application was postponed, may proceed, if they think proper, to administer to such execution debtor the oath aforesaid. And their doings shall be as good and effectual in law to discharge such debtor, as if such oath had been administered at the time and place mentioned in such notice any law, usage or custom to the contrary notwithstanding

Sec 2 And be it further enacted that the certificate of such oath shall be in the form following:

State of New-Hampshire

—ss To the Sheriff of the County of
 or his Deputy Keeper of the Gaol at
 On the day of A D at in
 said County (A B of &c) a prisoner in your custody on Execution
 at the suit of (C.D. of &c) took the oath as prescribed by law for
 the relief of persons imprisoned for debt—the said (C.D.) or other
 person as required by law) having been duly notified (did or did
 not attend) and in our opinion the said A. B. ought to be discharged.

G. H)

E, H) Addition

And thereupon the said debtor satisfying the prison keeper for past
 charges shall be discharged.

Sec 3 And be it further enacted that so much of the fourth sec-
 tion of an act entitled “an act to exempt certain goods and chattles
 of debtors from attachment and Execution passed June 16. 1807” as
 requires the debtor to remain a prisoner fifteen days before making
 application to be admitted to the benefits of the oath prescribed by
 law for the relief of poor debtors be repealed

[CHAPTER 66.]

State of }
New Hampshire. }

AN ACT TO PREVENT INJURIES HAPPENING TO THE ORDNANCE, CAR-
 RIAGES, HARNESS, AND APPARATUS APPERTAINING TO THE ORD-
 NANCE AND GUNHOUSES BELONGING TO THE STATE.

[Approved July 2, 1825. Original Acts, vol. 29, p. 66; recorded Acts,
 vol. 23, p. 149. Session Laws, 1825, Chap. 66. Laws, 1830 ed., p. 381.
 Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap.
 230.]

Section 1. Be it enacted by the Senate and House of Repre-
 sentatives in General Court convened, That it shall not be lawful
 for any person or persons, excepting such as belong to some com-
 pany of artillery, to take and remove any piece of ordnance, being
 the property of the state, from any gun-house or other place where
 the same may be deposited, nor any carriage, harness or apparatus
 appertaining thereto for the purpose of exercising or using the same
 in any manner, nor on any occasion whatever, without permission
 in writing first had and obtained of the captain or commanding
 officer of the company to which such ordnance belongs; and in case
 anyone shall at any time or under any pretence so take and re-
 move any such piece of ordnance, carriage, harness or apparatus
 as aforesaid, he or they so taking or removing the same shall for-

feit and pay a sum not less than five dollars nor more than twenty-dollars, to be sued for and recovered in an action of debt in the name of the state, with costs of suit, before any Justice of the peace or court proper to try the same, one half of said forfeiture for the use of the prosecutor, and the other half for the use of said company; and the party offending shall also be further liable to pay double the amount of the injury which such piece of ordnance, carriage, harness or apparatus may have sustained in consequence or by means of such taking or removal, to be sued for and recovered as aforesaid, and the damages thus recovered to be applied in defraying any expenses which may be necessary in keeping such ordnance, carriage, harness or apparatus in repair.

Section 2. And be it further enacted, that if any person or persons not belonging to any company of artillery shall take and use for any purpose or on any occasion whatever, with the permission of the captain or commanding officer of such company any piece of ordnance thereto belonging, being the property of the State, and any injury or damage shall happen to such piece of ordnance or to the carriage, harness or apparatus appertaining thereto after the same shall have been taken from the gun-house or other place of keeping, and before their return thereto, or at any time while in the care of such person or persons; in every such case he or they so taking and using such piece of ordnance, shall pay a sum equal to the amount necessarily required to repair said injury or damage, to be sued for and recovered in an action of trespass in the name of the State, with costs of suit, before any justice of the peace or court proper to try the same; said sum to be applied in defraying the expenses of repairs.

Section 3. And be it further enacted, That if any person or persons shall at any time injure, break open and enter any gun-house belonging to this State, he or they so injuring, breaking and entering, shall for every such offence, upon conviction thereof, forfeit and pay a sum not exceeding five dollars, nor more than twenty dollars, and also shall be further liable in double the amount of damages which may be done by reason of the said injuring, breaking or entering, to be sued for, recovered and applied in the same way and manner as is prescribed by the first section of this act.

[CHAPTER 67.]

State of }
New Hampshire. }

AN ACT RELATING TO NOTICE TO TOWNS IN CASE OF PAUPERS.

[Approved July 2, 1825. Original Acts, vol. 29, p. 67; recorded Acts, vol. 23, p. 151. Session Laws, 1825, Chap. 67. See also act of June 27, 1817, Laws of New Hampshire, vol. 8, p. 650. Repealed by act of December 16, 1828, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the notice required by law to be given to the town or place chargeable by law with the maintenance of any poor person, may be derected to the selectmen, or to the overseers of the poor in such town or place, and being served in the manner prescribed by law, shall be considered as good and as effectual notice as if derected to the town or place chargeable as aforesaid. And that when the said notice shall not be served within ninety days from the time when the first relief was afforded, the town notifying shall not be precluded from recovering of the town or place, or person chargeable, the amount of all expenses necessarily incurred in the support of such poor person within ninety days prior to the service of such notice; and any notice, stating the sums expended in such support before as well as within ninety days before the service of such notice, shall be considered good and valid as to all that part of the expenses which were incurred within said ninety days; any law or usage to the contrary notwithstanding

Sect. 2. And be it further enacted, That if on the trial of any action to recover any relief afforded to any persons alleged to be paupers, it appears to the jury that some of the persons included in the notice were not paupers, or were not chargeable to the defendants, but that others in said notice were then paupers and chargeable to the defendants, the jury may require and return a verdict for the plaintiffs, for the sum due for the relief afforded to such paupers, although the sums incurred for those only were included in the notice with others, and not specially designated for each. Provided that nothing in this act shall be considered as extending to any notice already given.

[CHAPTER 68.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT DIRECTING THE PROCEEDINGS AGAINST THE TRUSTEES OF ABSCONDING DEBTORS—PASSED FEB. 12TH 1791.

[Approved July 2, 1825. Original Acts, vol. 29, p. 68; recorded Acts, vol. 23, p. 153. Session Laws, 1825, Chap. 68. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 678. See also act of December 24, 1828, *post*. Repealed by act of July 3, 1829, Session Laws, 1829, Chap. 47.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, That where two or more persons shall severally have in their possession any money Goods, Chattles, rights or credits of any debtor, such Persons may each of them be summoned in the same process, as trustees of such Debtor, and shall be proceeded against in the same way and manner and be subject to the same liabilities, as is provided in the act to which this is in addition, in cases of Trustees as therein mentioned and the Court wherein any such Trustee process may be pending may render several Judgments, either against or in favor of any such Trustee or Trustees as to right and Justice shall appertain—And in the same process, the Goods and Estate of the principal Debtor may be attached, if any may be found, and the form of the writ as provided in the act to which this act is in addition shall be so far altered, as to conform to the provisions of this act

Sec 2 And be it further enacted, That when any Corporation or body politick within this State, shall be possessed of any money, Goods, Chattles, rights or credits of any Debtor, such Corporation or body politick may be summoned as the trustee of such Debtor and shall be proceeded against in the same way and manner as is provided in other cases by the act to which this is in addition—And said Corporation or Body politick may be required to disclose on oath by the Cashire or agent or person conducting the concerns of such Corporation and such disclosure shall have the same operation and effect as disclosures of Trustees in other cases.

Sec 3^d And be it further enacted. That any Trustee process may be brought and maintained before any Justice of the Peace in the County where the Trustee shall reside in all cases where the sum demanded in damages against the principal Debtor shall not exceed the sum of thirteen dollars and thirty three cents; and the several provisions of the act to which this is in addition so far as the same shall be applicable and not inconsistent with the provisions

of this act shall be taken and held to apply to any trustee process before a Justice of the Peace; and the same proceedings shall be had in such suit, as is provided in other cases by the act aforesaid

[CHAPTER 69.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE PEMIGEWASSET BANK.

[Approved July 2, 1825. Original Acts, vol. 29, p. 69; recorded Acts, vol. 23, p. 155. See also acts of December 25, 1844, Session Laws, November, 1844, Private Acts, Chap. 198, and June 23, 1848, id., June, 1848, Private Acts, Chap. 670.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That William Webster, Caleb Keith, Stephen Grant, Moore Russell, Josiah Quincy, Phineas Walker, John Rogers, Ira Goodall, Joseph Flanders, Joseph Weld, William Caldwell, Enoch Colby, junior, Isaac Smith, and their associates, and those who may hereafter become associates in said Bank, their successors and assigns, shall be; and they hereby are created and made a Corporation by the name of the President, Directors and Company of the Pemegewasset Bank, and shall so continue until the first day of March, which will be in the year of our Lord one thousand eight hundred and forty five; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever; and also to make have and use a convenient seal, and the same again at pleasure to break, alter or renew; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, not repugnant to the laws of this State, as to them shall appear necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation: subject always to the rules, restrictions, limitations and provisions herein-after prescribed.

Sec. 2. And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than fifty thousand dollars, nor more than one hundred thousand dollars in specie, and shall be divided into one thousand shares: and the stockholders at their first meeting, by a majority of votes shall determine the amount of payments to be made on each share, and the time when they shall be made; also, the mode of transferring and disposing of the stock and the profits thereof; which being entered on the books of said Corporation, shall be binding on the stockholders,

their successors and assigns. Provided that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of fifty thousand dollars at least: Provided also, that no stockholder shall in any case be allowed to borrow more than seventy five per cent on his capital stock, so paid in. And said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns lands, tenements and hereditaments to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same; and to loan and negotiate their monies and effects, by discounting on banking principles on such personal security as they shall think advisable.

Sec. 3. And be it further enacted, That the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation.

1st. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time, and then composing the capital stock of said Bank: and in case any cashier, director or other officer of said Bank, at any time shall knowingly issue, or order, direct or cause to be issued and put in circulation bills notes or obligations of said Bank, which, together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as afore-said, such cashier, director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars.

2nd. That dividends may be made, semiannually, among the stockholders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall be divided among or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the license of the Legislature of this State therefor, on penalty that any cashier, director or other officer, who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars: Provided nevertheless, that it shall be lawful for the stockholders, after having given one year's previous notice of their intention by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make a division of the capital stock among themselves, and thereby dissolve said Corporation.

3rd. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by any means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or

loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made, until such loss or diminution shall have been replaced and supplied by assessments and actual payments of the stockholders, or by appropriations therefor of the interest and profits actually received.

4th. That said Corporation shall not vest, use nor improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their possession by way of security to an amount sufficient to reimburse the sum or sums loaned and interest.

5th. That none but a member of said Corporation, being a citizen of this State and resident therein, shall be eligible for a director, and the directors shall choose one of their own number to act as President. The Cashier before he enters on the duties of his office shall give bond with two or more sureties to the satisfaction of the Board of directors, in a sum not less than twenty five thousand dollars, with condition for the faithful performance of the duties of his office.

6th. That for the well ordering of the affairs of said Corporation, a meeting of the stockholders shall be holden at such place as they shall direct, on the first Monday of March annually from and after their first meeting, and at any other time during the continuance of said Corporation at such place as may be appointed by the president and directors for the time being by publick notification being given at least two weeks prior thereto: At which annual meeting there shall be chosen by ballot seven Directors to continue in office the year ensuing their election, and until others are chosen in their stead: And the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the following proportion, that is to say—For every one share, one vote, for every two shares above one and not exceeding twenty, one vote; for every three shares above twenty, one vote; provided that no one stockholder shall be entitled to more than fifteen votes: Absent members may vote by proxy, being authorized in writing, signed by the person represented and filed with the Cashier.

7th. That no director shall be entitled to any emolument for his services, but the stockholders may make the president such compensation as to them shall appear reasonable.

8th. That no less than four directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness, or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.

9th. That all bills issued from said Bank signed by the President and countersigned by the Cashier, shall be binding on said Corporation.

10th. That the directors shall appoint a cashier, clerks, and such other agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11th. That the aforesaid Bank shall be established and kept in the town of Plymouth in the county of Grafton.

12th. That the Legislature shall at all times have the right by persons duly appointed for that purpose to examine into the state and condition, and all the doings and transactions of said Corporation, and of their officers relating to the same; for which purpose all the books and papers of the Corporation, together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed; and each officer of said Corporation shall answer on oath if so required all suitable and proper interrogatories relating to the state, condition and transactions of said Bank.

Sec. 4. And be it further enacted, That the said William Webster, Caleb Keith and Josiah Quincy, or any two of them may call a meeting of the members of said Corporation at such time and place as they may see fit by giving public notice thereof at least two weeks prior to the time of meeting by posting up notifications therefor at some public in the towns of Plymouth, Wentworth, Rumney, Campton and Holderness, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations as the said members may deem necessary, and for the choice of the first Board of directors, and such other officers as they may see fit to choose.

Sec. 5. And be it further enacted, That all penalties incurred for a breach of any of the provisions of this act may be recovered by information or suit in the name of the State. Provided that this act shall be void if the Corporation by this act created shall neglect to be organized and go into operation, and shall not actually pay to the Treasurer of this State on or before the first Wednesday of June, one thousand eight hundred and twenty seven one half of one per cent on the amount which shall at that time constitute the actual capital of said Corporation.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1825, June 14.

Resolved by the Senate and House of Representatives in General Court convened; that in conducting General Lafayette from the city of Boston to the Capitol in this State His Excellency the Governor be requested to make such arrangements, and to order out such military escort, as he may deem proper for the occasion; and the Quarter Master General is directed to make suitable provision for such Escort.

And be it further resolved, that a committee to consist of two members

on the part of the Senate and fifteen on the part of the House be appointed to make all necessary arrangements for the reception of General Lafayette, when he shall arrive in the vicinity of the Capitol, and said committee, may appoint such officers of the day as they may think proper to carry such arrangements into effect.

And be it further resolved, that His Excellency the Governor, be authorized to draw on the Treasury for such sum or sums of money, as may be necessary to carry into effect the foregoing Resolutions.

[House Journal, 1825, p. 191. Senate Journal, 1825, p. 106. Original Acts, vol. 29, p. 70.]

1825, June 16.

Whereas it is represented to the General Court of this State that contentions and disputes have arisen between the citizens of this State and those of the Commonwealth of Massachusetts respecting the boundary line between this State and the Commonwealth aforesaid: And whereas commissioners have been appointed on the part of the Commonwealth of Massachusetts to meet commissioners who may be appointed by this State and in conjunction with them to ascertain run and mark the line between this State and the Commonwealth aforesaid and erect durable monuments at such places as they shall think proper and effectual to prevent future mistakes and disputes respecting the same: Therefore,

Resolved by the Senate and House of Representatives in General Court convened; that his Excellency the Governor with the advice of council be and hereby is authorized and requested to nominate and appoint three suitable persons as commissioners on the part of this State for ascertaining the boundary line between the same and the said commonwealth of Massachusetts. And the said Commissioners are hereby authorized and empowered to meet such commissioners as have been or who may hereafter be appointed on the part of the said Commonwealth of Massachusetts, and vested with powers similar to those herein conferred upon the commissioners hereafter to be appointed on the part of this State; and the commissioners appointed on the part of this State are hereby authorized and empowered in conjunction with the commissioners on the part of the Commonwealth aforesaid, as soon as may be to ascertain, run and mark such boundary line and erect durable monuments at such places as they shall think proper and effectual to prevent future mistakes and disputes respecting the same.

And the commissioners on the part of this state are authorized and empowered to agree upon such principles respecting the runing of said line as from the best evidence they can obtain may appear to them just and reasonable; which line when so ascertained shall forever afterwards be considered and held to be the just and true boundary line of jurisdiction between this state and the said Commonwealth of Massachusetts; and the Commissioners on the part of this State are authorized to employ such surveyors and chain-bearers as they may think proper to assist in duly ascertaining the line aforesaid. And his Excellency the Governor is requested to transmit a copy of these resolutions to the Governor of the Commonwealth of Massachusetts; together with the names of the persons who shall have been appointed commissioners on the part of this State by virtue of these resolutions.

And be it further resolved that there be paid out of the Treasury of this State to the said Commissioners a sum not exceeding five hundred Dollars to enable them to defray the immediate expenses of running and establishing said line, said Commissioners to be accountable to the General Court for the proper application of the same. And *the* his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the same.

[House Journal, 1825, p. 215. Senate Journal, 1825, p. 127. Original Acts, vol. 29, p. 70.]

1825, June 17.

Resolved by the Senate and House of Representatives in General Court convened, That the following be the Manner of receiving General Lafayette by the Legislature, viz.

His Excellency the Governor and the Honorable Council shall be seated on the right of Speakers Chair. The honorable Senate shall be seated on the left of the Speakers Chair. The House of Representatives in front

The General shall be announced and enter the South door, shall be introduced to the seperate branches where he shall be addressed in behalf of the Legislature by his Excellency the Governor; After which he shall be introduced to the Members of the seperate branches.

[House Journal, 1825, p. 263. Senate Journal, 1825, p. 130. Original Acts, vol. 29, p. 71.]

1825, June 25.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor is hereby authorized and requested to present Major General Lafayette, on his visit to the Capitol of this State, with one of Carrigain's finished Maps of New Hampshire

[House Journal, 1825, p. 345. Senate Journal, 1825, p. 195. Original Acts, vol. 29, p. 71.]

1825, July 1.

Resolved by the Senate and House of Representatives in General Court convened that the Secretary of this State be and he hereby is directed and required to procure three suitable frames for the Fac Similes of the Declaration of Independencē and to cause one copy to be suspended in the Council Chamber, the Senate Chamber and the Representatives Hall and that His Excellency the Governor draw on the Treasury for such sum as may be necessarily expended in procuring said frames

[House Journal, 1825, p. 481. Senate Journal, 1825, p. 312. Original Acts, vol. 29, p. 72.]

1825, July 1.

Resolved by the Senate and House of Representatives in General Court convened; that the public and patriotic services of James Monroe of Virginia late President of the United States justly entitle him to the regards of a grateful people.

Resolved that the Legislature of this State entertain a high respect for this distinguished citizen of Our Country, and feel a deep interest in his future health and happiness.

Resolved, that His Excellency the Governor, be requested to transmit to him a copy of this Resolution

[House Journal, 1825, p. 317. Senate Journal, 1825, p. 295. Original Acts, vol. 29, p. 72.]

1825, July 2.

Resolved by the Senate and House of Representatives in General Court convened that His Excellency the Governor be and he hereby is authorized and directed to appoint some suitable person as an Agent to procure, at the expense of the State, (including Weights and Measures now belonging to the State) a full Standard of Weights and Measures conformable to the Standard of Weights and Measures established by law in the Commonwealth of Massachusetts; and the said agent is hereby authorized and directed to call on the Commissary General and on any other person or persons, who may have Weights or Measures belonging to the State, in their possession, to deliver the same to him the said agent And the said Agent is hereby directed to report his doings to the Legislature at the next June Session.

[House Journal, 1825, p. 522. Senate Journal, 1825, p. 360. Original Acts, vol. 29, p. 73.]

1825, July 2.

Be it Resolved by the Senate and house of Representatives in General Court convened, that his Excellency the Governor be and hereby is requested to make application to the President of the United States to depute such Engineers in the service of the United States as may be consistent with the regulations by him adopted for the purpose of making surveys of the several routes proposed for opening a water communication within this State—

And be it further Resolved that the sum of five hundred dollars be and the same hereby is appropriated for the purpose of aiding in defraying the expence of such surveys, in such manner as his Excellency the Governor shall think equitable, and that he be authorized to draw his warrant on the Treasury therefor

[House Journal, 1825, p. 510. Senate Journal, 1825, p. 340. Original Acts, vol. 29, p. 73.]

[THIRTY-FIFTH GENERAL COURT.]

[*Held at Concord, one session, June 7, 1826, to July 8, 1826.*]

[OFFICERS OF THE GOVERNMENT.]

DAVID L. MORRIL, GOVERNOR.
 RICHARD BARTLETT, SECRETARY.
 DUDLEY S. PALMER, DEPUTY SECRETARY.
 WILLIAM PICKERING, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 MATTHEW HARVEY, PRESIDENT OF THE SENATE.
 HENRY HUBBARD, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Langley Boardman,	Portsmouth.
Daniel Hoit,	Sandwich.
John Wallace, Jr.,	Milford.
Jotham Lord, Jr.,	Westmoreland.
Caleb Keith,	Wentworth.

[MEMBERS OF THE SENATE.]

John W. Parsons,	Rye.
John Brodhead,	Newmarket.
Thomas Chandler,	Bedford.
Hall Burgin,	Allenstown.
Andrew Peirce,	Dover.
Benning M. Bean,	Moultonborough.
Jesse Bowers,	Dunstable.
Matthew Harvey,	Hopkinton.
Asa Parker,	Jaffrey.
Stephen Johnson,	Walpole.
James Smith,	Grantham.
John W. Weeks,	Lancaster.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Atkinson and }	Edward Brown.
Plaistow, }	
Brentwood,	Simon Fellows.
Candia,	John Lane.
Chester,	Samuel Aiken.
	Samuel D. Bell.

Deerfield,	Gilbert Chadwick.
East Kingston and }	Parker Merrill.
South Hampton, }	Samuel Laurence.
Epping,	Jeremiah Dow.
Exeter,	Oliver W. B. Peabody.
Greenland,	Stephen Pickering.
Hampstead,	Jesse Gordon.
Hampton,	Edmund Toppan.
Hampton Falls,	Levi Lane,
Hawke and }	William Plumer.
Sandown, }	Jeremy Batchelder.
Kensington,	William Choate, Jr.
Londonderry,	James Thom.
Newcastle,	George Bell.
Newington,	Hanson Hoit.
Newmarket,	Abner B. Stinson.
Newton,	Jacob Gale.
North Hampton,	Ebenezer Leavitt.
Northwood,	John Kelley.
Nottingham,	Samuel Dame.
Poplin,	Enoch Brown.
Portsmouth,	Samuel E. Coues.
	Estwick Evans.
	Abner Greenleaf.
	Hunking Penhallow.
	Jacob Wendell.
Raymond,	John Folsom.
Rye,	Joseph L. Lock.
Salem,	John Clindenin.
Stratham,	Noah Piper.
Windham,	Jeremiah Morrison.

STRAFFORD COUNTY.

Alton,	Thomas Flanders.
Barnstead,	John Kaime.
	John Peavey.
Barrington,	Jacob D. Foss.
Brookfield and }	David Davis.
Middleton, }	
Burton and }	Luther Richardson.
Chatham, }	John Coe.
Center Harbor,	Thomas S. Abbott.
Conway,	

Dover,	Daniel M. Christie.
	Samuel Kimball.
	John Williams.
Durham,	Andrew G. Smith.
Eaton,	Samuel Atkinson.
Effingham,	James Lord.
Farmington,	Joseph Hammonds.
Gilford,	Barnard Morrill.
Gilmanton,	Peter Clark.
	Benjamin Emerson.
Lee,	Edward B. Nealley.
Madbury,	James Y. Demeritt.
Meredith,	Jonathan Pearson.
	Washington Smith.
Milton,	Hanson Hayes.
Moultonborough,	Isaiah G. Orne.
New Durham,	Thomas Tash, Jr.
New Hampton,	Nicholas M. Taylor.
Ossipee,	Ezekiel Wentworth.
Rochester,	David Barker, Jr.
	Joseph Cross.
Sanbornton,	James Clark.
	Samuel Tilton.
Sandwich,	George F. Marston.
	Neal McGaffey.
Somersworth,	Joseph Doe.
	William W. Rollins.
Tamworth,	Benjamin Gilman, Jr.
Tuftonborough,	Joseph L. Pearey.
Wakefield,	John Kimball.
Wolfeborough,	Samuel Fox.

MERRIMACK COUNTY.

Allenstown,	Andrew O. Evans.
Boscawen,	Joseph Ames.
	Hezekiah Fellows.
Bow,	David White.
Bradford,	Daniel Millen.
Canterbury,	Joseph M. Harper.
Chichester,	David M. Carpenter.
	Francis N. Fisk.
Concord,	Isaac Hill.
Dunbarton,	John Gould.
Epsom,	William Ham, Jr.
Fishersfield,	Elijah Peasley.

Henniker,	Artemas Rogers.
Hooksett,	Robert M. Wallace.
Hopkinton,	Asa Sawyer.
	Abraham Brown.
Loudon,	Bodwell Emerson.
New London,	Nathan Batchelder.
Northfield,	Green French.
Pembroke,	Israel Cochran.
Pittsfield,	Aaron Whittemore.
Salisbury,	Ebenezer Knowlton.
Sutton,	John Townsend.
Warner,	Reuben Porter.
	Benjamin Evans.
	Daniel George.
Wilmot,	Jabez Youngman.

HILLSBOROUGH COUNTY.

Amherst,	Robert Reed.
Antrim,	George Duncan.
Bedford,	William Riddle.
Brookline,	Thomas Bennett.
Deering,	William McKeen.
Dunstable,	Benjamin F. French.
	Ebenezer F. Ingalls.
Francestown,	Alexander Wilson.
Goffstown,	Jesse Carr.
Greenfield,	William Whittemore.
Hancock,	Joseph Symonds.
Hillsborough,	Thomas Wilson.
Hollis,	Benjamin M. Farley.
Litchfield,	Moses Chase.
Lyndeborough,	Joseph Jones.
Manchester,	Isaac Huse.
Mason,	John Stevens.
Merrimack,	Henry T. Ingalls.
Milford,	Josiah French.
Mont Vernon,	John Bruce.
New Boston,	Benjamin Fairfield.
New Ipswich,	Charles Barrett.
Nottingham West,	Caleb S. Ford.
Pelham,	Samuel M. Richards.
Peterborough,	Jonathan Smith.
Sharon,	James Law.
Society Land and)	
Windsor, }	John Dodge.

Temple,	David Stiles.
Weare,	Amos W. Bailey.
	Tristram Eaton.
Wilton,	Jonathan Burton.

CHESHIRE COUNTY.

Acworth,	David Blanchard.
Alstead,	Azel Hatch.
Charlestown,	Henry Hubbard.
Chesterfield,	Job Putnam.
Claremont,	Rufus Handerson.
	Thomas Woolson.
Cornish,	Benjamin Chapman.
Croydon,	Carlton Barton.
Dublin,	Joseph Appleton.
Fitzwilliam,	Levi Chamberlain.
Gilsum and } Surry, }	Francis Holbrook.
Goshen,	Oliver Booth.
Grantham,	John Gove, Jr.
Hinsdale,	Abraham Hinds.
Jaffrey,	Oliver Prescott.
Keene,	Joel Parker.
	James Wilson, Jr.
Langdon,	Samuel Egerton.
Lempster,	William Carey.
Marlborough,	Joseph Frost.
Marlow,	Elijah Huntley.
Nelson,	Ezra Wardwell.
Newport,	David Allen.
Plainfield,	Reuben True.
Richmond,	Joseph Weeks.
Rindge,	Amos Keyes.
Springfield,	Joseph Nichols.
Stoddard,	Francis Matson.
Sullivan,	John Wilson.
Swanzey,	Elijah Sawyer.
Trov,	Ezekiel Rich.
Unity,	James A. Gregg.
Walpole,	William G. Field.
Washington,	Jacob S. Gould.
Wendell,	John Young.
Westmoreland,	Larkin Baker.
Winchester,	Horace Chapin.

GRAFTON COUNTY.

Alexandria,	Benjamin Keniston.
Bath,	John Clement.
Bridgewater,	Joseph W. Pearson.
Bristol,	James Minot.
Campton,	John Rogers.
Canaan,	Elijah Blaisdell.
Danbury and } Orange, }	Samuel Clifford.
Dorchester,	Caleb Blodgett.
Enfield,	John Jones.
Franconia, } Bethlehem and } Lincoln, }	Isaac Smith.
Grafton,	Richard Whittier.
Groton and } Hebron, }	John Nevens, Jr.
Hanover,	Elijah Miller.
	James Pool.
Haverhill,	John L. Corliss.
Holderness,	Walter Blair.
Landaff,	Daniel Clark.
Lebanon,	William Benton.
	Samuel Young.
Lisbon,	Jonathan Bowles.
Littleton,	Nathaniel Rix, Jr.
Lyman,	John Moulton.
Lyme,	Nathaniel Lambert.
New Chester,	Samuel Murray.
Orford,	John Rogers.
Peeling and } Ellsworth, }	Thomas Vincent, Jr.
Piermont,	Joseph Sawyer.
Plymouth,	Samuel C. Webster.
Rumney,	Samuel Burns.
Thornton,	Enoch Colby, Jr.
Warren and } Coventry, }	Jacob Patch.
Wentworth,	Jonathan Eames.

COOS COUNTY.

Adams and } Bartlett, }	John Pendexter, Jr.
Colebrook and } Columbia, }	Hezekiah Parsons.

Dalton and	}	
Whitefield,	}	John M. Gove.
Jefferson,	}	
Shelburne,	}	
Randolph,	}	
Shelburne Addition,	}	William Chamberlain.
Kilkenny,	}	
Bretton Woods and	}	
Nash & Sawyer's	}	
Location,	}	
Lancaster,	}	Richard Eastman.
Northumberland,	}	
Stratford and	}	Nathan Baldwin.
Milan,	}	
Stewartstown,	}	
Dixville,	}	Gideon Tirrill.
Millsfield and	}	
College Grant,	}	

[*First Session, held at Concord, June 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, July 1, 3, 4, 5, 6, 7, 8, 1826.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE CHESHIRE SACRED MUSICAL SOCIETY

[Approved June 17, 1826. Original Acts, vol. 29, p. 75; recorded Acts, vol. 23, p. 175.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened; That Eliphalet Briggs Junior, Allen Slade, Elpihalet Dort, Joseph Frost Junior, William Wilson Junior, Elisha Hatch, Jonathan E. Davis, Samuel Slade Junior, William Banks second, Nathan D. Reed and William Hayward, their associates and successors, be, and they are hereby made a body politic and corporate, by the name of the Cheshire Sacred Musical Society, in the County of Cheshire, and by that name may sue and be sued, prosecute and defend to final Judgment and execution, and are hereby vested with all the powers and privileges, and subjected to all the liabilities incident to corporations of a similar nature, and may purchase and hold personal estate to any amount not exceeding five hundred dollars for the purposes of said society, and the same may sell convey and dispose of at pleasure.

Section 2. And be it further enacted; That the said Eliphalet Briggs Junior, Allen Slade and William Wilson Junior or any two of them may call the first meeting of said society, by publishing a notice in the New Hampshire Sentinel printed at Keene, or by giving personal notice to each member aforesaid, of the time, place, and design of said meeting, at least seven days before said meeting, at which, or at an adjournment of the same the members may make any bye-laws for the regulation and government of said society, not repugnant to the laws of the State, and do and transact any business necessary to carry into effect the objects of said association.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE HAMPTON CAUSWAY TURNPIKE CORPORATION TO SURRENDER THEIR ROAD.

[Approved June 19, 1826. Original Acts, vol. 29, p. 76; recorded Acts, vol. 23, p. 176. Session Laws, 1826, Chap. 2. See acts of June 18, 1807, Laws of New Hampshire, vol. 7, p. 610; December 23, 1808, *id.*, p. 779, and resolution of June 25, 1821, *ante*, p. 61.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That the proprietors of the Hampton causway turnpike corporation are hereby authorized and impowered to relinquish and surrender their turnpike road to the towns of Hampton and Hampton-falls for a valuable consideration, in order that said road may become a free public highway in the same way and manner as if the same had been originally laid out by the Select men of the said respective towns through which the same passes, and the said proprietors, and said towns are each hereby impowered to do and transact any thing necessary to effect the purpose aforesaid—

Section 2. And be it further enacted, that whenever the contracts between the said Proprietors and the said towns, for the purpose of accomplishing the objects aforesaid, shall have been entered into and completed to their mutual satisfaction, a certificate of such fact, signed by a majority of the directors of said turnpike Corporation, and by a majority of the Selectmen of each of said towns attested by some Justice of the peace, shall be published in some Newspaper printed at Portsmouth, and an attested copy of such certificate shall be filed in the Secretary's office, and thenceforth the tolls on said road shall cease, and said road shall be established, and in every respect considered as a free public highway, and said towns shall be liable to support and keep said road in repair in the same way and manner as if the same had been duly laid out by the Selectmen of the said several towns through which the same passes, and said turnpike corporation shall forever after cease to exist as such. Reserving however to said turnpike corporation the right to sell and dispose of all their real and personal estate except said road, and to collect and receive all sums that now are or hereafter may be due to said turnpike corporation.

Section 3. And be it further enacted, that said towns may by tax, loan or otherwise, raise such sums as they may judge to be proper for the purposes aforesaid—

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION, BY THE NAME OF FIRE ENGINE COMPANY NO. 2. IN KEENE.

[Approved June 19, 1826. Original Acts, vol. 29, p. 77; recorded Acts, vol. 23, p. 178.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That Asa L. Stone, John Hunt, and Samuel Chapman, their associates and successors, be, and they hereby are made a corporation by the name of Fire Engine Company No. 2. in Keene. and that they be, and hereby are vested with the powers and privileges, and made subject to the liabilities incident to similar corporations, and may hold real and personal estate not exceeding in value one thousand dollars.—

Section 2. And be it further enacted, that any two of the persons herein named, may call the first meeting of said company, at such time and place as they may deem expedient, by posting up a notification at some public place in Keene at least seven days prior to the time of holding the same, at which meeting said corporation may organize, and at the same or any subsequent meeting duly holden in pursuance of the votes or regulations of said corporation, may elect such officers, make such rules and regulations for the government of said company, not repugnant to the laws of the State; order such assessments and transact such business as may be necessary to carry into effect the purposes intended by this act.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT TO ENLARGE THE CAPITAL OF THE DOVER MANUFACTURING COMPANY.

[Approved June 20, 1826. Original Acts, vol. 29, p. 78; recorded Acts, vol. 23, p. 179. See acts of December 15, 1812, Laws of New Hampshire, vol. 8, p. 168; June 21, 1820, id., p. 901; December 22, 1820, id., p. 994; June 21, 1821, *ante*, p. 11, and June 18, 1823, *ante*, p. 182.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That the Dover Manufacturing company is hereby authorized and empowered to acquire by purchase or otherwise and to hold and enjoy such real or personal estate as may be necessary and useful in conducting the business of

said corporation. Provided the estate held by said corporation shall not at any one time exceed fifteen hundred thousand dollars, any thing in the act creating said Corporation, or the acts in addition thereto, to the contrary notwithstanding.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT EMPOWERING THE FIREWARDS IN THE SEVERAL TOWNS IN THIS STATE TO MAKE RULES AND REGULATIONS RESPECTING FIRES.

[Approved June 20, 1826. Original Acts, vol. 29, p. 79; recorded Acts, vol. 23, p. 179. Session Laws, 1826, Chap. 5. See also acts of April 6, 1781, Laws of New Hampshire, vol. 4, p. 380; June 17, 1794, id., vol. 6, p. 188; June 27, 1818, id., vol. 8, p. 723; December 20, 1824, *ante*, p. 350; December 21, 1824, *ante*, p. 359, and July 3, 1830, Session Laws, 1830, Chap. 45. This act repeals act of November 30, 1803, Laws of New Hampshire, vol. 7, p. 169. Repealed by act of December 16, 1828, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened; That the firewards or the major part of them, in the several towns in this State, be and they are hereby empowered, from time to time, to make and ordain such rules and regulations not repugnant to any law of this State, respecting the kindling, guarding, and safe keeping of fires, and also for the prevention and extinguishing of fires, or for clearing away shavings, chips, or any combustible matter, that may be thought dangerous, from any house, store, workshop, wharf or street, as they in their judgment may think proper. And such rules and regulations signed by the major part of the firewards, shall be recorded in the records of the town, and copies of the record attested by the town Clerk, shall be posted up in two or more publick places in the town, at least thirty days before such rules and regulations shall take effect. And the said firewards shall have full power to annex such penalties, for the breach of any one or all of such rules and regulations, as they may deem necessary not exceeding twenty dollars for each offence; and such regulations shall be in force until altered by the laws of the State, or by the major part of the firewards in such town.

Section 2. And be it further enacted that all penalties incurred by any breach of the rules and regulations so made, may be recovered by action of debt before any court competent to try the same, which action may be instituted by the major part of the firewards in the name and behalf of the town where the offence was committed, and all penalties recovered shall be appropriated by the firewards to the purchase or repair of engines, or instruments

proper to be used in case of fire, or shall be paid into the treasury of the town. And all actions for the recovery of any penalty within the jurisdiction of a Justice of the peace may be sued and prosecuted before any Justice within the County where the offence was committed, and it shall be no cause of exception to any such Justice that he resides or has property within the town where the offence was committed.

Section 3. And be it further enacted, that an act, entitled "an act in addition to an act to regulate the proceedings for extinguishing fires, that may be accidentally or otherwise kindled" passed November 30. A.D. 1803, be, and the same is hereby repealed. Provided however, that all rules and regulations made by the firewards of any town in pursuance of said act shall be and remain in force as if the same had been made under the provisions of this act on the same being recorded in the town records, and all penalties heretofore incurred for any breach of such rules and regulations, may be recovered in the same manner as if this act had not been passed

[CHAPTER 6.]

State of)
New Hampshire. {

AN ACT TO INCORPORATE THE REMSEN MANUFACTURING COMPANY—

[Approved June 20, 1826. Original Acts, vol. 20, p. 80; recorded Acts, vol. 23, p. 181. By the act of June 20, 1827, *post*, the name was changed to Columbian Manufacturing Company. See also acts of July 2, 1846, Session Laws, 1846, Private Acts, Chap. 454, and June 26, 1874, *id.*, 1872-76, p. 385.]

Section 1. Be it enacted by the Senate and House of Representatives in General court convened.

That Silas Bullard, his associates and successors, be, and they hereby are incorporated and made a body politic forever by the name of the Remsen manufacturing company; and in that name may sue and be sued, prosecute and defend to final Judgment and execution: and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature; and also may have and use a common seal, which they may break, alter or renew at pleasure.

Section 2. And be it further enacted, that the said corporation be, and the same hereby is authorized and empowered to carry on the manufacture of cotton, woollen and other goods, and such other branches of trade and manufacture as may be usefully carried on by said Corporation at Mason in the County of Hillsborough, and

may erect such mills, dams, works, machines and buildings as may be necessary for carrying on these useful manufactures and branches of business.

Section 3. And be it further enacted, that the said Corporation be and the same is hereby authorized to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate as may be necessary or useful in conducting the business of said Corporation, and the same to sell, convey, and dispose at pleasure; provided the estate held by said corporation shall not at any time exceed three hundred thousand dollars. And the said capital or joint stock, may be divided into as many shares as the proprietors at any legal meeting shall agree and decide; and in like manner the proprietors may agree on the manner of transferring them; and may elect an agent or agents, and such other officers and servants as may be deemed necessary, and prescribe their respective duties; may order assessments and fix the time of their payment; may limit the amount which said assessments shall not exceed, without the consent of all the proprietors; may pass by laws for their regulation and government, and may do and transact any other business in relation to the concerns and for the benefit of said Corporation. All Elections, and all other questions, if required, shall be determined by a majority of votes present or represented at any meeting, accounting and allowing one vote to each share in all cases, and all representations shall be in writing signed by the person represented, and filed with the clerk.

Section 4. And be it further enacted that the shares in said Corporation shall be liable and holden for all assessments legally made thereon, and upon the nonpayment, of such assessments or any part thereof within the time fixed for their payment, the treasurer may proceed in the manner prescribed in the by laws of said Corporation to advertise and sell at public auction, such delinquent shares, or so many of them as may be necessary to pay the sums due thereon with incidental charges.

Section 5. And be it further enacted, That the said Silas Bulard may call the first meeting of the members of said Corporation, to be holden at any suitable time and place, by publishing a notice thereof in the Newspaper printed in Amherst in the County aforesaid, at least ten days before said meeting, or by giving to said members personal notice thereof at least five days prior thereto.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE ISAAC WENDELL AND OTHERS BY THE NAME OF THE GREAT FALLS MANUFACTURING COMPANY"

[Approved June 21, 1826. Original Acts, vol. 29, p. 81; recorded Acts, vol. 23, p. 184. The act referred to is dated June 11, 1823, *ante*, p. 175. See also acts of June 13, 1828, *post*; July 10, 1846, Session Laws, 1846, Private Acts, Chap. 447; December 28, 1848, *id.*, 1848, November session, Private Acts, Chap. 789, and July 8, 1862, *id.*, 1862, Private Acts, Chap. 2679.]

Be it enacted by the Senate and House of Representatives in General Court Convened, That the great Falls manufacturing company is hereby authorized and empowered to acquire by purchase or otherwise and to hold and enjoy such real or personal estate as may be necessary and useful in conducting the business of said Factory; Provided the estate held by said Corporation shall not at any one time exceed one million dollars, any thing contained in the act to which this is an addition to the contrary notwithstanding

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PITTSFIELD MANUFACTURING COMPANY—

[Approved June 21, 1826. Original Acts, vol. 29, p. 82; recorded Acts, vol. 23, p. 184.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That James Joy, Nathan B. Folsom, John N. Sherburne, their associates and successors, be, and they hereby are incorporated and made a body politic forever by the name of the Pittsfield Manufacturing company; and in that name may sue and be sued, prosecute and defend to final Judgment and execution, and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature, and also, may have and use a common seal, which they may break, alter or renew at pleasure.

Section 2. And be it further enacted, That the said Corporation be, and the same hereby is authorized and empowered to carry on the manufacture of Cotton, Woollen, and other goods, and such

other branches of trade and Manufacture as may be necessarily and conveniently connected therewith at Pittsfield in the County of Merrimack; and may erect such mills, dams, works, machines and buildings, as may be necessary for carrying on these useful manufactures and branches of business.

Section 3. And be it further enacted, That the said Corporation be, and the same hereby is authorized to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate as may be necessary or useful in conducting the business of said Corporation, and the same to sell, convey and dispose of at pleasure; provided the estate held by said Corporation shall not at any time exceed five hundred thousand dollars. And the said capital, or joint stock, may be divided into as many shares as the proprietors at any legal meeting shall agree and decide; and in like manner the proprietors may agree on the manner of transferring them; and may elect an agent or agents. and such other officers and servants as may be deemed necessary, and prescribe their respective duties; may order assessments and fix the time of their payment, may limit the amount which said assessments shall not exceed, without the consent of all the proprietors; may pass by laws for their regulation and government, and may do and transact any other business in relation to the concerns, and for the benefit of said Corporation. All elections, and all other questions, if required, shall be determined by a majority of votes present or represented accounting and allowing one vote to each share in all cases; and all representations shall be in writing, signed by the person represented, and filed with the clerk.

Section 4. And be it further enacted, That the shares in said corporation shall be liable and holden, for all assessments legally made thereon, and upon the non payment of such assessments, or any part thereof, within the time fixed for their payment, the Treasurer may proceed in the manner prescribed in the by-laws of said Corporation to advertise and sell such delinquent shares, or so many of them as may be necessary to pay the sums due thereon with incidental charges.

Section 5. And be it further enacted, that the three persons before named, or any two of them, may call the first meeting of the members of said corporation, to be holden at any suitable time and place, by publishing a notice thereof in some newspaper printed in Portsmouth at least ten days before said meeting.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE STRAFFORD LODGE NUMBERED TWENTY NINE.

[Approved June 21, 1826. Original Acts, vol. 29, p. 83; recorded Acts, vol. 23, p. 187.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That John Tapley, Andrew Peirce, Nathaniel R. Hill, Richard Walker, George Piper Moses Paul, James B. Varney, Benjamin Wiggin, Isaac L. Folsom, Andrew Steel, John Williams and James Richardson, and all persons who may hereafter become members of said Lodge be and they hereby are made a body corporate by the name of Strafford Lodge No. 29. in the town of Dover. And the said Corporation is hereby empowered to hold and possess Real and personal estate not exceeding in value Five thousand dollars, and the same may sell, dispose of, transfer and convey at their pleasure—and that they be invested with all the rights powers and priveleges incident to similar corporations

Section 2. And be it further enacted, That John Tapley, Andrew Peirce, and George Piper or either two of them, may call the first meeting of said Corporation, by causing notice thereof to be published in either of the newspapers printed in Dover one week previous to the day of meeting, at which meeting, or at such subsequent meeting as they may order, may elect such officers, and adopt such regulations and by laws, not repugnant to the laws of this State for the government of said Corporation as they may deem expedient.

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE BROOKLINE FIRE ENGINE COMPANY NUMBER ONE.

[Approved June 22, 1826. Original Acts, vol. 29, p. 84; recorded Acts, vol. 23, p. 188.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened,

That Ensign Bailey, Luther Shattuck and James Wallace and

their associates and successors be and they hereby are incorporated and made a body politic by the name of the Brookline Engine Company No. 1. and by that name are hereby vested with all the powers and priveleges and subjected to all the duties and liabilities of similar corporations.

Section 2. and be it further enacted that said Corporation is authorized and empowered to hold and possess real and personal estate not exceeding in value one thousand dollars and to sell or otherwise dispose of the same as they may see fit—

Section 3. And be it further enacted that the said Ensign Bailey, Luther Shattuck and James Wallace or any two of them may call the first meeting of said Corporation by giving personal notice to each member thereof at least thee days prior to such meeting of the time and place of holding the same

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO ANNEX CERTAIN ISLANDS TO THE TOWN OF GILFORD.

[Approved June 22, 1826. Original Acts, vol. 29, p. 85; recorded Acts, vol. 23, p. 189. Session Laws, 1826, Chap. 11.]

Be it Enacted by the Senate and House of Representatives in General Court convened; That Dimon island, Fishers island, Samuel Thompson's island, Thompson's island, Timber Island and Mark island, all lying in Winnepisseogee lake and near the South-erly shore thereof, shall be annexed to the town of Gilford in the County of Strafford, and hereafter shall constitute and form a part of said town of Gilford.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT FOR THE RELIEF OF PRISONERS.

[Approved June 22, 1826. Original Acts, vol. 29, p. 86; recorded Acts, vol. 23, p. 189. Session Laws, 1826, Chap. 12.]

Be it enacted by the Senate and House of Representatives in General Court convened;

That the Justices of the Court of Common Pleas shall be, and they are hereby authorized and empowered to allow the Several

gaolers in this State a reasonable compensation, to be paid out of the several County treasuries, for necessary clothing bedding fuel and medical attendance by them respectively furnished, for prisoners in their custoday on criminal process since the first tuesday of September in the year of our Lord eighteen hundred and twenty four, and for necessary clothing, bedding fuel and medical attendance to be hereafter furnished as aforesaid, any law usage or custom to the contrary notwithstanding.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF MERIDIAN
 SUN LODGE NUMBER TWENTY FIVE.

[Approved June 22, 1826. Original Acts, vol. 29, p. 87; recorded Acts, vol. 23, p. 190.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Abram Thomas Charles Abbot, William Morrison, Daniel Clark and Samuel Ross, and all persons who may hereafter become members of said Lodge be and they hereby are made a body corporate and politic forever by the name of Meridian Sun Lodge No. 25. in the town of Bath, and the said Corporation is hereby empowered to hold and possess, real and personal estate not exceeding in value the sum of two thousand dollars, and invested with all the powers rights and privileges of Corporations of a similar nature.

Section 2 And be it further enacted that the said Charles Abbot may call the first meeting of said lodge by giving personal notice of the time and place of holding the same to each member thereof, or by posting up a notification thereof in some publick place in the town of Bath ten days before the time of holding the same at which meeting or at any subsequent meeting, the members of said lodge may elect such officers and adopt such by-laws and regulations not repugnant to the Constitution and laws of this State as they may deem expedient and necessary to carry into effect the objects of this act.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT, TO ESTABLISH
 A COURT OF COMMON PLEAS FOR THE STATE OF NEW HAMPSHIRE

[Approved June 22, 1826. Original Acts, vol. 29, p. 88; recorded Acts, vol. 23, p. 191. Session Laws, 1826, Chap. 14. Laws, 1830 ed., p. 378. The act referred to is probably dated December 20, 1824, *ante*, p. 352. See also act of June 23, 1823, *ante*, p. 201. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That the Court of Common Pleas shall have the same power, jurisdiction and authority in relation to the appointment of auditors as are by law vested in the Superior Court of Judicature, and the Auditor or auditors appointed by said Court of Common Pleas shall have the same power and authority as are by law vested in auditors appointed by said Superior Court, and the reports of such auditors made to said Court of Common Pleas shall have the same force and effect as the reports of Auditors appointed by said Superior Court.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT INCORPORATING A COMPANY BY THE
 NAME OF THE PROPRIETORS OF PIERMONT BRIDGE—

[Approved June 23, 1826. Original Acts, vol. 29, p. 89; recorded Acts, vol. 23, p. 192. The act referred to is dated June 28, 1825, *ante*, p. 417. See also acts of June 11, 1808, Laws of New Hampshire, vol. 7, p. 648, and January 3, 1829, *post*.]

Be it enacted by the Senate and House of Representatives in General Court Convened, That the Proprietors of Piermont Bridge be, and they hereby are authorized to build a bridge across Connecticut river agreeably to the provisions of said act, to which this is in addition, at any place within a mile above, or within a mile and a half below the mouth of Waits river.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF ALTEMONT
LODGE NUMBER TWENTY SIX.

[Approved June 23, 1826. Original Acts, vol. 29, p. 90; recorded Acts, vol. 23, p. 193.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That John H. Steel, Samuel G. Smith, Asa Heald, Joseph Appleton, and all persons who now are, or may hereafter become members of said lodge, be and they hereby are made a body politic forever, by the name of Altemont Lodge No. 26 in the town of Dublin. And the said Corporation is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of two thousand dollars, and is vested with all the powers rights and privileges of Corporations of a similar nature.

Section 2. And be it further enacted that the said John H. Steel may call the first meeting of said lodge by giving personal notice of the time and place of holding the same, to each member thereof, or by posting up a notification thereof, in some publick place in each of the towns of Dublin, Peterborough, Hancock, Nelson, and Jaffrey seven days before the time of holding the same, at which meeting, or at any subsequent meeting, the members of said Lodge may elect such officers, and adopt such by laws and regulations, not repugnant to the Constitution and laws of this State, as they may deem expedient and necessary to carry into effect the objects of this act.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NASHUA FIRE ENGINE COMPANY
NUMBER ONE.

[Approved June 24, 1826. Original Acts, vol. 29, p. 91; recorded Acts, vol. 23, p. 194.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Willard Walcutt, Peleg S. Tomkins, Aden Gay and Rufus O. Read, their associates and successors be and they hereby are created and made a corporation

by the name of the Nashua Fire Engine Company number one with powers to hold any estate to the amount of one thousand Dollars; to make and establish by laws for their regulation and government, and to hold exercise and enjoy all other powers privileges and immunities incident or common to similar Corporations—

Section 2. And be it further enacted that the said Willard Walcutt, Peleg S. Tompkins Aden Gay and Rufus O. Read or any three of them may call the first meeting of said Corporation, by giving personal notice to each member thereof at least three days prior to such meeting, of the time and place of holding the same.

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE BAPTIST CONVENTION OF THE STATE OF NEW HAMPSHIRE

[Approved June 24, 1826. Original Acts, vol. 29, p. 92; recorded Acts, vol. 23, p. 195. The name was changed to New Hampshire Baptist Convention by act of June 29, 1860, Session Laws, 1860, Private Acts, Chap. 2442.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That Otis Robinson, Ferdinand Ellis, John Crockett, William Taylor N. W. Williams, B. F. Farnsworth, Joseph Elliot, Parker Fogg, Michael Carlton, James Barnaby, Phineas Richardson, Joseph Colby, and Joseph Davis, with such others as may hereafter be associated with them be made a body politic and corporate by the name of the Baptist Convention of the State of New Hampshire, and by that name may sue and be sued, prosecute and defend to final Judgment and execution, and be known and distinguished in their acts and proceedings, and in all cases whatever shall be and hereby are invested with all the powers and privileges common to incorporations of a like nature.

Section 2. Be it further enacted, that the said Corporation shall have power to receive and hold all donations, subscriptions and legacies in real or personal estate to an amount not exceeding thirty thousand dollars, and to use and improve the same for the purpose of promoting foreign and domestic Missions and the education of indigent and pious young men for the gospel ministry and any other religious charities, which they may deem proper, and the same may sell and dispose of at pleasure.

Section 3. Be it further enacted that the said Corporation shall have power to choose such officers to govern and manage the concerns of the convention as may be thought necessary, and also to

make and establish such rules and by laws as they may think necessary, not inconsistent with the laws of this State.

Section 4. Be it further enacted that Joseph Colby and N. W. Williams be authorized to call the first meeting of the Convention by notice in the New Hampshire Patriot printed at Concord.

Section 5. Be it further enacted That the Legislature may at any time hereafter, revoke, alter or amend any or all of the provisions of this act at their pleasure.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE DEWITT CLINTON ENCAMPMENT.

[Approved June 27, 1826. Original Acts, vol. 29, p. 93; recorded Acts, vol. 23, p. 196.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That Joseph Warren White, Samuel Cushman, J. Burley Hill, Elisha C. Crane, John Bennett, Robert Smith, John Davenport, Thomas Hale, Samuel Huse and their associates and successors, shall be and hereby are erected and made a Corporation and body politic by the name of Dewitt Clinton Encampment; and by that name may sue and be sued, plead and be impleaded, defend and be defended, to final judgment and execution; and may have a common seal, and the same may alter at pleasure, and shall have and possess all the powers incident to Corporations of a similar nature, and may have hold and enjoy real and personal estate, receive subscriptions, grants and donations not exceeding in value five thousand dollars and the same may sell, alienate, transfer and dispose of at pleasure.

Section 2. And be it further enacted that Joseph Warren White Samuel Cushman J. Burley Hill or any two of them, may call a meeting of said Corporation to be holden at their Asylum, in Portsmouth in the County of Rockingham at such time as they shall think expedient by advertisement in the New Hampshire Gazette printed at Portsmouth aforesaid fifteen days previous to the time of meeting at which meeting the members of said Corporation by a vote of the majority of those present shall choose such officers and enact such by laws as they may think proper for the regulation and government of said Corporation provided said by laws are not repugnant to the Constitution and laws of this State

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE WOODMAN SANBORNTON ACADEMY

[Approved June 27, 1826. Original Acts, vol. 29, p. 94; recorded Acts, vol. 23, p. 197.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Nathan Taylor, Abraham Bodwell, John Crockett, William Patrick Jeremiah H. Woodman, Benaiah Sanborn, Thomas P. Hill, Jonathan Moore, Abel Kimball, Aaron Woodman, Jesse Ingalls, Peter Hearsay, and their successors be. and they hereby are, incorporated and made a body politic by the name of the Trustees of the Woodman Sanbornton Academy, and in that name may sue and be sued prosecute and defend to final Judgment and execution, and shall be. and hereby are vested with all the powers and priveleges which by law are incident to Corporations of a similar nature and may have a common seal, and the same alter at pleasure

Section 2. And be it further enacted that said Trustees are hereby made capable in law to acquire and hold in fee simple or any less estate by gift grant or otherwise any real estate, the annual income of which shall not exceed five hundred dollars, and personal estate not exceeding ten thousand dollars, and the same may use and employ for the promotion of science and the useful arts, and for the benefit of said institution may sell and dispose of the same at pleasure.

Section 3. And be it further enacted, that the said Academy be and hereby is established in the town of Sanbornton in the County of Strafford at the place near Sanbornton square, where the building for that purpose is now erected.

Section 4. And be it further enacted, that said Trustees may establish orders and regulations for the Government of said institution, direct the management and application of its funds and Control the concerns of the institution, in such manner as shall best promote the interest thereof.

Section 5. And be it further enacted that the said Nathan Taylor, Abraham Bodwell, and John Crockett or any two of them may call the first meeting of the said Trustees to be holden at any suitable time and place in said Sanbornton by posting up a notification for that purpose, at said Academy at least fifteen days before the day of meeting (any number of said Trustees not less than seven being hereby made a quorum for the transaction of any business

of said corporation,) at which said first meeting, or at any adjournment thereof they may agree on the manner of calling their annual and other meetings, may elect such officers as they may deem expedient and at the same, or at any subsequent meeting legally holden, may adopt by laws and do and transact any business necessary and proper to carry into effect the purposes of this act.

Section 6. And be it further enacted that any vacancy or vacancies happening in said board of Trustees by death or otherwise may be filled by a majority of the remaining trustees, at any meeting of said trustees duly notified for that purpose.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT GIVING TO THE SOUTH PARISH IN PORTSMOUTH ADDITIONAL POWERS.

[Approved June 27, 1826. Original Acts, vol. 29, p. 95; recorded Acts, vol. 23, p. 199. See act of June 17, 1807, Laws of New Hampshire, vol. 7, p. 594.]

Section 1. Be it enacted by the Senate and House of Representatives in general Court convened;

That the South Parish in Portsmouth be, and they are hereby declared to be capable in addition, of receiving a conveyance in fee or otherwise of the stone Church lately erected for them in said Portsmouth, and of the lot of land on which the same has been erected, and of holding the same in their corporate capacity, any provisions or restriction in their act of incorporation to the contrary notwithstanding.

Section 2^d. And Be it further enacted that at any legal meeting of said Parish they may adopt such by laws for assessing and collecting their parochial taxes and for the regulation of voting on subjects relating to the use, occupation, repairs or alterations of said stone Church or managing said Corporation as they may think proper provided the same is not repugnant to the laws of this State.

Section 3^d. And be it further enacted that this act shall take effect when accepted by said Parish at a meeting legally notified for that purpose and not sooner.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE EXETER FEMALE ACADEMY.

[Approved June 27, 1826. Original Acts, vol. 29, p. 96; recorded Acts, vol. 23, p. 200.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That there be, and hereby is, established in the town of Exeter an Academy by the name of the Exeter female Academy.

Section 2. And be it further enacted that John Rogers, William F. Rowland, Isaac Hurd, Ferdinand Ellis, Joseph Tilton Junior, Sherburne Blake and Samuel T. Gilman are hereby made a body Corporate, by the Name of the Trustees of the Exeter female academy, by which name they may sue and be sued, in all actions and prosecute and defend the same, to final Judgment and Execution And the number of said Trustees shall not at any one time be more than seven nor less than four, four of whom shall constitute a quorum for the transaction of business

Section 3^d And be it further enacted, that the trustees aforesaid and their successors shall be the true and sole trustees and governors of said Academy with Continuance and succession forever, with power to establish such by laws and regulations and to appoint such officers for the government of said academy, as to them may seem requisite and proper. And as often as any vacancy or vacancies shall occur by death resignation or otherwise, in said board of trustees, a majority of the trustees remaining or surviving shall elect one or more persons to fill such vacancy or vacancies.

Section 4th And be it further enacted, That the trustees aforesaid and their successors, be and they hereby are rendered capable in law to take and receive by gift, grant, devise, bequest or otherwise, real and personal estate to the amount of twenty thousand dollars, to have and to hold the same, on such conditions as may be expressed in any will, deed or other instrument of conveyance, which may be made to them, and all deeds or other instruments which shall be made by said Trustees in the name of said academy when signed and delivered by five at least shall bind said trustees and their successors, and be valid in law.

Section 5th And be it further enacted, That John Rogers may call the first meeting of said trustees by giving each of them personal notice of the time, place and object thereof three days at least prior to said meeting.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF
 LISBON AND FRANCONIA.

[Approved June 27, 1826. Original Acts, vol. 29, p. 97; recorded Acts, vol. 23, p. 202. Session Laws, 1826, Chap. 23.]

Section 1. Be it enacted by the Senate and house of Representatives in General Court Convened, That the Selectmen of the towns of Lisbon and Franconia, in the County of Grafton, be and they are hereby authorized, in behalf of their respective towns, to agree upon a committee of three persons, inhabitants of said County, who shall be and are hereby empowered to examine, ascertain, settle, and establish the boundary line between said towns, and to set up the bounds and marks of the same, And the line so established by the said Committee in pursuance of the provisions of this act, shall forever after be taken and deemed to be the true line between the towns aforesaid.

Section 2. And be it further enacted, that the agreement of the Selectmen of the towns aforesaid, appointing said Committee shall be in writing and shall be recorded in the records of the said towns, and the Committee so appointed shall Cause the said towns to be notified of the time and place when and where they will meet, to take into consideration and examine the line, by causing personal notice to be given to at least two of the selectmen of each of said towns, one week prior to the time of meeting, and said Committee may adjourn from time to time until the examination and settlement of said line shall be completed.

And said Committee shall make a report of their doings to the town Clerks of said towns who shall record said report in the records of their respective towns; And all expences arising under this act shall be paid by said towns.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION, BY THE NAME OF THE GREAT
 FALLS VOCAL HARMONY SOCIETY

[Approved June 27, 1826. Original Acts, vol. 29, p. 98; recorded Acts, vol. 23, p. 203.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that David T. Harris, James

Davis, William G. Emerson Thomas T. Edgerly and William Knight, their associates and successors, be, and they hereby are made a Corporation by the name of the Great falls Vocal Harmony society, and that they be, and hereby are vested with the powers and privileges and made subject to the liabilities usually incident to similar Corporations, with power to hold personal estate not exceeding in value five hundred dollars.

Section 2. And be it further enacted, that any three of the persons herein named may call the first meeting of said Corporation, at such time and place as they may deem expedient, by posting up a notification at some publick place in Somersworth at least seven days prior to the time of holding the same, at which meeting said Corporation may organize and at the same, or any subsequent meeting duly holden in pursuance of the votes or regulations of said Corporation may elect such officers make such rules and regulations for the management of their affairs the same being not repugnant to the laws of this State, order such assessments, and transact such business as may be necessary to carry into effect the purposes of this act.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE NASHUA AQUEDUCT COMPANY.

[Approved June 28, 1826. Original Acts, vol. 29, p. 99; recorded Acts, vol. 23, p. 204. See also act of July 4, 1851, Session Laws, 1851, Private Acts, Chap. 1191.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, that Daniel Abbot. Joseph Greely, Ezekiel Greely, Alfred Greely, Andrew E. Thayer, Stephen Kendrick and Benjamin F. French and their associates and successors, are hereby made a Corporation by the name of the Nashua Aqueduct Company, and are vested with all the powers and privileges by law incident to Corporations of a similar nature.

Section 2. And be it further enacted, that said Corporation may acquire and hold real and personal estate not exceeding in value seven thousand dollars, and may sell and dispose of the same

Section 3. And be it further enacted, that Daniel Abbot may call the first meeting of said Proprietors, by giving personal notice of the time place and object thereof to each of said proprietors at least ten days before said meeting, at which and all other meetings absent members may vote by proxies, allowing one vote to each share.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE
UNION FIRE ENGINE COMPANY IN PETERBOROUGH

[Approved June 28, 1826. Original Acts, vol. 29, p. 100; recorded Acts, vol. 23, p. 205.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That John H. Steel, Samuel G. Smith and Richard T. Buss Junior their associates and Successors are hereby made a Corporation by the name of the Union Fire Engine Company in Peterborough, and are invested with all the powers and privileges incident to Corporations of a Similar nature.

Section 2^d. And be it further enacted that said Corporation *are* hereby authorized to acquire and hold real and personal estate for the purposes of their association not exceeding in value one thousand dollars, and the same may dispose of at pleasure.

Section 3. And be it further enacted that John H Steel may call the first meeting of said Corporation at any suitable time and place in Peterborough in the County of Hillsborough by giving to the members thereof at least three days personal notice of the time, place, and object of said meeting.

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF CENTRE
LODGE NUMBER TWENTY

[Approved June 28, 1826. Original Acts, vol. 29, p. 101; recorded Acts, vol. 23, p. 206.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph W. Clement, Joseph Smith Junior, Charles Gilman, and all persons who now are, or may hereafter become members of said Lodge, be and they hereby are made a body politic forever, by the name of Centre Lodge number twenty, in the town of Sanbornton, and the said Corporation is hereby empowered, to hold and possess real and personal estate not exceeding in value the sum of two thousand dollars, and

is vested with all the rights powers and privileges of Corporations of a similar nature.

Section 2. And be it further enacted, that the said Joseph W. Clement may call the first meeting of said Lodge by posting up a notification thereof in some public place, in each of the towns of Sanbornton and Northfield, fifteen days before the time of holding the same.

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE DOW FUND AND DONATIONS TO THE METHODIST EPISCOPAL SOCIETY IN SALEM—

[Approved June 29, 1826. Original Acts, vol. 29, p. 102; recorded Acts, vol. 23, p. 207.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened, that Alexander Gordon, Caleb Dustin Joseph Taylor, Oliver Taylor, John Ewins, John T. G. Dinsmoor, and Samuel Rowell, be and hereby are, incorporated and Constituted a body politic by the name of the Trustees of the Dow Fund and Donations to the Methodist Episcopal Society in Salem; and by that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final Judgment and execution in all actions and prosecutions whatsoever.

Section 2^d. And be it further enacted that said Trustees shall never exceed the number of seven, nor be less than five, a majority of whom shall be a quorum for the transaction of business, but a less number may adjourn, and that all vacancies which may happen in any manner in said board shall be filled by said board.

Section 3^d And be it further enacted, that the land, money or other property heretofore bequeathed in and by a certain instrument purporting to be the last will and testament of Moses Dow deceased to and for the support of the Methodist Circuit ministers in said Salem whereof said Gordon was appointed and constituted Trustee, and all other bequests and grants which may be made for the use support and maintenance of the Circuit Ministers of the Methodist Episcopal Church in said Salem, the aforesaid Trustees and their successors forever may take, hold, use and distribute according to the tenor of the bequest or grant bequeathing or granting the same.

And said Trustees shall be capable of taking, holding and administering any gift, grant, or trust estate for the purposes aforesaid, provided the actual annual profits thereof shall not exceed three hundred dollars.

Section 4th. And be it further enacted, that said Trustees shall forever have full power to appoint a treasurer, clerk, and any other officer necessary for the proper management of said fund, and take bonds for their faithful discharge of their several duties.

Section 5th. And be it further enacted, That said Trustees shall have full power to make by laws for the proper management of the concerns of said trusts provided that the same shall not be contrary to the conditions annexed to any gift grant or conveyance of property to said Corporation

Section 6th. And be it further enacted that Alexander Gordon be authorized to call the first meeting of said Trustees by giving to each personal notice of the time place and object thereof at least ten days prior to the day of meeting.

Section 7th. And be it further enacted, that the Legislature of the State of New Hampshire shall have power at all times to alter amend, or repeal any or all of the provisions of this act.

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT RELATING TO THE ASHUELOT TURNPIKE CORPORATION.

[Approved June 29, 1826. Original Acts, vol. 29, p. 103; recorded Acts, vol. 23, p. 209. Session Laws, 1826, Chap. 29. See acts of June 18, 1807, Laws of New Hampshire, vol. 7, p. 614, and June 22, 1809, id., p. 806.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That if the said Ashuelot turnpike corporation shall neglect to repair said turnpike, and to furnish satisfactory evidence thereof to the Justices of the Superior Court of Judicature, on or before the third tuesday of October next, the act entitled "an act to incorporate a company by the name of the Ashuelot turnpike corporation" passed June 18. 1807. shall be, and the same is hereby repealed, and all the rights, privileges, and immunities granted to said Corporation shall thereafter be annulled and revoked. And in Case such evidence be furnished to the said Justices, they shall cause a certificate thereof to be filed in the office of the Clerk of said Court, for the County of Cheshire.

Section 2. And be it further enacted, that if the said road shall not be repaired and the evidence thereof furnished as aforesaid, any person who shall afterwards erect, or keep on said road any toll gate, or shall demand and receive any toll of any person for travelling over and upon said road, shall forfeit and pay the sum of ten dollars, to be recovered by any person who shall be obstructed in passing said road, or of whom any toll shall be received by action of debt in any court competent to try the same.

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE SEABROOK FIRE ENGINE COMPANY
N^o 1.

[Approved June 29, 1826. Original Acts, vol. 29, p. 104; recorded Acts, vol. 23, p. 210.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened that, Edward Dearborn; John Philbrick, Jacob Purinton, Abraham Dow and David Perkins, their associates and successors be and they hereby are incorporated and made a body politic, by the name of the Seabrook fire Engine Company N^o one, and by that name are vested with all the powers and privileges and subject to all the duties and liabilities of similar corporations, and said corporation is hereby authorized to hold possess and dispose of as they may see fit real and personal estate not exceeding in value one thousand dollars

Section 2^d And be it further enacted that the persons above named or any three of them may call the first meeting of said Company at any suitable time and place in said Seabrook by posting up at three public in said Seabrook notice in writing, stating the time place and object of said meeting, at least ten days prior to the day of holding said meeting

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE MEMBERS OF THE SOUHEGAN VILLAGE
SOCIAL LIBRARY IN MASON

[Approved June 29, 1826. Original Acts, vol. 29, p. 105; recorded Acts, vol. 23, p. 211.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, that Timothy Dakin, Isaac Kimball, Elisha Barrett, James Taft, their associates and successors be, and they are hereby incorporated and made a body politic by the name of the Souhegan Village Social Library, with all the powers and privileges, and subject to all the liabilities incident to Corporations of a similar nature; and may receive and hold personal property to the amount of one thousand dollars and no more.

Section 2. And be it further enacted that said Timothy Dakin

Isaac Kimball and Elisha Barrett or any two of them may call the first meeting of said Corporation by posting up at some publick place in said Village a notification of the time, place, and design of the same, at least seven days prior to said meeting

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE METHODIST EPISCOPAL MEETING HOUSE IN ROCHESTER

[Approved June 29, 1826. Original Acts, vol. 29, p. 106; recorded Acts, vol. 23, p. 212. See also act of July 2, 1867, Session Laws, 1867-71, p. 88.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that James C Cole; Charles Dennet, Simon Chase, Ebenezer D. Trickey and Abner Hodgden, and their successors, are hereby made a corporation, by the name of the Trustees of the Methodist Episcopal Meeting-house in Rochester, with all the powers and privileges incident to corporations of a similar nature, and are authorized in their corporate capacity to acquire and hold real and personal estate not exceeding in value four thousand dollars, and to dispose of the same for the purposes of their said trust

Section 2^d And be it further enacted—that James C Cole may call the first meeting of said Trustees, by giving to each of them personal notice of the time, place and object thereof three days at least prior to said meeting.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO INCORPORATE THE PROPRIETORS OF NEW HAMPTON ACADEMY."

[Approved June 29, 1826. Original Acts, vol. 29, p. 107; recorded Acts, vol. 23, p. 213. The act referred to is dated June 27, 1821, *ante*, p. 20. See also act of January 3, 1829, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the name of the Proprietors of New Hampton Academy be altered to that of "the Academical and Theological institution in New Hampton."

Section 2. And be it further enacted, that the said Institution may hold real estate the annual income of which shall not exceed fifteen hundred dollars, and personal estate not exceeding twenty thousand dollars, and the same may use and employ for the promotion of Theology, science, and the useful arts.

Section 3.^d And be it further enacted, that the institution shall be under the care, superintendence and control of a board of eleven trustees, five of whom shall be elected by the proprietors of said institution, and five by the Baptist Convention of this State, so often and at such periods as such bodies shall respectively deem expedient. And the principal Instructor shall be a member of the said Board of Trustees, and shall have a vote in all business excepting the appointment of instructors, in which he shall have no vote. A majority of said Trustees shall constitute a quorum to transact business.

Section 4. And be it further enacted, That all the income of said Institution shall be appropriated to the payment of Instructors and incidental expences, provided that whatever amount may remain after paying the instructors and incidental expences shall be the property of the Baptist Convention aforesaid, to be expended in educating pious and indigent students at said institution.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE SOCIETY OF SOCIAL FRIENDS

[Approved June 29, 1826. Original Acts, vol. 29, p. 108; recorded Acts, vol. 23, p. 214.]

Whereas in the Year of our Lord one thousand seven hundred and eighty three, a literary Society was instituted at Dartmouth College by the name of the "Society of Social Friends," composed chiefly of Students of said College, which Society has continued ever since at said College and has annually received additions principally from the Classes in said College; and by the voluntary contributions of its members from time to time, has collected a library of more than four thousand volumes of very choice and valuable books, which library is continually and rapidly increasing by donations of new members—And whereas sundry persons, members of said Society have petitioned the Legislature for a Charter of incorporation to enable them more conveniently and safely to transact their business—Therefore

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Charles M. Emerson,

Ansel R. Clark, Samuel A. Burns, Isaac Boyd, Isaac Hosford, John Emerson, Henry Shedd, William Heath, Caleb Kimball, Cutting Marsh, James W. Woodward, together with all the existing members of said Society and all who may hereafter become members of said society shall be and they hereby are created and made a Corporation by the name of the Society of Social Friends, with all the powers and privileges and subject to all the liabilities incident to Corporations of a similar nature. Provided that the by laws ordinances and regulations of said Society shall not be repugnant to the laws of this State, or to the laws of said College.

Section 2. And be it further enacted, that the said Corporation is made capable in law to have, hold and enjoy all the books, furniture and property belonging to said Society at the time of the passage of this act, and also all such books, furniture, apparatus, money, and other property, as shall hereafter be given or bequeathed to them or purchased for the purposes of said society, and is also made capable in law to purchase receive and hold for themselves and their successors, lands, in the vicinity of said College, to the amount of one fourth of an acre, for the purpose of erecting a building or buildings for a Library, with power to sell and convey the same; and may at any time erect such buildings thereon, as may be necessary for that purpose, provided always, that said corporation shall never assess or collect in any way directly or indirectly, as a tax, any money, books, or property, for the purpose of increasing the library of the same, of any member of said corporation while a minor, without first obtaining the approbation of the parent or guardian of said minor. Provided also, that no taxes are ever to be assessed upon any except members of said College, nor shall any tax be assessed and collected except for the purpose of defraying the ordinary expences of the society, unless by the unanimous consent of all the members present and voting on such assessment.

Section 3. And be it further enacted that the first meeting of said Corporation shall be held, without further notice, at the Society hall in Dartmouth College, on the second Wednesday of July next at four o'clock P.M., that at that and all subsequent meetings, held pursuant to such regulations, as the Corporation may establish, a majority of members who may be present may choose all such officers as they may think necessary, and make, ordain and establish all such by laws and regulations, as may be necessary for the well ordering of the affairs of said Corporation and may do all other business of said Corporation whatever. Provided always—that no vote by law or regulation diverting or defeating any of the original purposes of said society or disposing of the books or property, or converting the same to any other than the original purpose, for which they were bestowed and collected, shall be valid without

the express approbation, in person or by proxy, of a majority of the existing members of said Society at the time of passing the vote.

Section 4. And be it further enacted that said Society shall be forever located at Dartmouth College, and the books and apparatus, belonging to the same be forever devoted, more especially, to the use of the resident members of said Society, unless said Corporation shall ever be dissolved, in which case the books, furniture, apparatus, and other property, being the joint property of the existing members at the time of its dissolution, shall be divided or disposed of as they may direct—

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE LITCHFIELD FISHING COMPANY.

[Approved June 29, 1826. Original Acts, vol. 29, p. 109; recorded Acts, vol. 23, p. 217.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Kennard, Isaac Brown, Smith Campbell Samuel Kendall Moses B. Whittemore and their associates are hereby made a Corporation by the name of the Litchfield fishing Company, and in their Corporate capacity are authorized to acquire and hold real and personal estate not exceeding three hundred dollars, and are invested with all the powers and privileges of Corporations of a similar nature.

Section 2. And be it further enacted, that Isaac Brown may call the first meeting of said Corporation, by giving personal notice to each member thereof at lest three days before the time of Meeting.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE CONGREGATIONAL AND BAPTIST MEETING HOUSE IN MEREDITH.

[Approved June 29, 1826. Original Acts, vol. 29, p. 110; recorded Acts, vol. 23, p. 218.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that John B. Swasey, John Towle and Timothy Badger and their associates and successors are hereby made a Corporation by the name of the Proprietors of the

Congregational and Baptist Meeting house in Meredith, and in their Corporate capacity are authorized to acquire and hold real and personal estate not exceeding in value four thousand dollars, and are invested with all the powers and privileges and made subject to all the duties and liabilities of Corporations of a similar nature.

Section 2. And be it further enacted, that John B. Swasey may call the first meeting of said Corporation by posting up at two public places in said Meredith advertisements of the time place and object thereof at least fifteen days prior to said meeting.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE QUAMPHEGAN MANUFACTURING COMPANY.

[Approved June 29, 1826. Original Acts, vol. 29, p. 111; recorded Acts, vol. 23, p. 219.]

Whereas, by an act of the Legislature of the State of Maine, passed the seventeenth day of February, in the year of our Lord one thousand, eight hundred and twenty six, Benjamin Nason and others were incorporated by the name of the Quamphegan Manufacturing Company, for the purpose of carrying on the manufacture of Cotton and woolen goods, at Quamphegan Falls on the eastern side of Salmon-falls river within the State of Maine: and whereas said Company are desirous in order to use the water power of said river to the best advantage, to hold real estate on the western side of said Salmon-falls river within the State of New Hampshire—therefore

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened. That said corporation be and hereby are made a body politic, by the name of the Quamphegan Manufacturing Company, for the purpose of carrying on the manufacture of cotton and woolen goods, and such other branches of trade and manufacture as shall be necessarily and conveniently connected therewith in the town of Somersworth

Section 2 Be it further enacted, That said corporation, may be lawfully seized and possessed, of such real and personal estate, not exceeding at any one time the sum of four hundred thousand dollars, as may be necessary and convenient for carrying on the business of said corporation and shall have all the powers and privileges and be subject to all the liabilities incident to corporations of a similar nature

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE COMPANY OF KEENELIGHT INFANTRY

[Approved June 30, 1826. Original Acts, vol. 29, p. 112; recorded Acts, vol. 23, p. 220.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened—that George Brown, Daniel Towns J^r. Edmund Kimball their associates and successors so long as they shall do military duty in said company be and they hereby are made a body politic and corporate by the name of the Keene Light Infantry in the town of Keene and by that name may sue and be sued prosecute and defend to final judgment and execution and the said corporation are hereby empowered to hold real estate not exceeding in value the sum of five hundred dollars, and personal property to the amount of one thousand dollars and no more

Section 2. Be it further enacted—that the said George Brown may call the first meeting of said Company by giving personal notice of the time and place to the members thereof at least four days previous to said meeting, at which time or at any subsequent meeting may make such by laws and ordain such rules and regulations as may be necessary for the carrying into effect the objects of this act—Provided always,—that no power shall accrue to the said Company by or under this act whereby they may be exempted from any liabilities which they are now, or hereafter may be under to do and perform military duty agreeably to the existing military law, for the time being of this State, nor in any case shall the said Company have power to assess upon its members more than the sum of one dollar and fifty cents upon any one member annually

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE CONCORD MANUFACTURING COMPANY.

[Approved June 30, 1826. Original Acts, vol. 29, p. 113; recorded Acts, vol. 23, p. 221. See also acts of June 28, 1831, Acts, vol. 28, p. 61; July 3, 1845, Session Laws, 1845, Private Acts, Chap. 202; June 28, 1847, id., 1847, Private Acts, Chap. 566, and July 9, 1874, id., 1872-76, p. 410.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Theodore French William Sullivan, Richard Sullivan, Benjamin Guild, Caleb Eddy,

and Augustus Peabody, and such other persons as shall associate with them and their successors and assigns, shall be and hereby are constituted and made a corporation by the name of the Concord manufacturing Company, and by that name may sue and be sued, prosecute and defend to final Judgment and execution; and may have and use a Common Seal, and the same may alter and renew at pleasure; and also may make, ordain and put in execution, such by laws and regulations, (not being contrary to the Constitution and laws of the State) as shall be necessary, proper, and Convenient for the government of said Corporation, and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers which by law are incident to Corporations of a similar nature.

Section 2^d And be it further enacted that the said Corporation be and the same is hereby empowered to establish, manage and carry on the manufacture of cotton, wool, iron, and such other branches of manufacture and trade as can be conveniently and necessarily connected therewith, at and near Garvins falls on Merrimack river in Concord, and to purchase, take hold, and convey real and personal estate of every kind to such amount as they may find necessary or convenient in the management of their concerns provided the same shall not exceed the sum of one Million dollars, and the same to manage, improve change and sell at their pleasure and to erect on the real estate to be purchased and held by them as aforesaid such dams, canals, mills, buildings, machines and works as they may deem necessary or useful in carrying on and managing their manufactures and works and in conducting the business of the Corporation. Provided the Legislature may hereafter make such order or regulations in relation to the passage of fish up and down the river included in said grant, as the publick good may require.

Section 3^d And be it further enacted, that the said Theodore French may call the first meeting of said Corporation by giving three days previous notice to each of the persons who is associated with him in obtaining this charter, at which meeting a clerk shall be chosen, who shall be sworn faithfully to discharge the duties of his office; and it shall be his duty to record the doings and proceedings of said corporation, and to perform such other services as the by laws of said Corporation may require; and at the same or any subsequent meeting duly holden the members or associates of said Corporation may prescribe and agree on the manner of calling, holding and managing future meetings, may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the manner or mode in which the shares in their capital stock shall be holden and how the same shall be transferred, may make or provide for the making of assessments on the shares from time to time as occasion may require and fix the time for payment of the same, may appoint and constitute such officers,

servants and agents of the said Corporation as they shall think necessary, and prescribe their respective duties, and may do or transact any matter or thing relating to the property business or concerns of the said Corporation.

Section 4 And be it further enacted, that at all meetings of the members of said Corporation duly notified and holden, each member shall be entitled to cast one vote for each share that he may be the owner and holder of in said Corporation, on all questions that may come before such meetings, and absent members may be represented and vote at such meetings, by an agent for that purpose duly authorized by writing signed by the member or members to be represented which writing shall be filed with the Clerk of said Corporation;—and at such meetings all questions shall be decided by a majority of the votes cast; provided however that in the assessment of taxes on the shares in said corporation three fourths of the votes cast shall be required to make such assessment binding on the members of said Corporation

Section 5th And be it further enacted, that the shares in the Capital or Joint stock of the Corporation, shall be liable and holden for the payment of all assessments legally made thereon;—and in case of neglect of any member to pay the assessments on his share or shares, the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments may be sold or transferred for the payment of the same in such manner or way as shall be prescribed by the by laws or regulations of said Corporation.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT ENTITLED “AN ACT DECLARING THE DUTY AND DEFINING THE POWERS OF COLLECTORS OF TAXES.

[Approved June 30, 1826. Original Acts, vol. 29, p. 114; recorded Acts, vol. 23, p. 224. Session Laws, 1826, Chap. 40. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 667.]

Be it enacted by the Senate and House of Representatives in General Court convened, that all notifications and advertisements which by the fourth section of an act of this State passed on the eleventh day of February A.D. 1791 entitled “an act declaring the duty and defining the powers of collectors of taxes” were required to be published in such newspaper as the General Court shall from time to time order shall hereafter be published in the New-Hampshire Patriot and State Gazette printed at Concord in the County of Merrimack

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT FOR THE PRESERVATION OF FISH IN THE WASH POND AND IN
 THE ISLAND POND.

[Approved June 30, 1826. Original Acts, vol. 29, p. 115; recorded Acts, vol. 23, p. 225. Session Laws, 1826, Chap. 42. Laws, 1830 ed., p. 250. Repealed by acts of June 28, 1831, Session Laws, 1831, Chap. 27, and December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that if any person shall catch take or kill any fish in the wash pond in Hampstead, or in the Island pond so called situated partly in Hampstead, partly in Londonderry, and partly in Atkinson in the County of Rockingham, between the twentieth day of November in each year, and the first day of May following, such person so offending shall for every fish so caught killed or taken, forfeit and pay the sum of two dollars to be recovered with Costs of suit, in an action of debt before any Justice of the Peace within said County of Rockingham by any person who may sue for the same one half thereof to the use of the person who may sue for the same, and the other half to the use of said County of Rockingham

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE CENTER MEET-
 ING HOUSE IN BRIDGWATER

[Approved June 30, 1826. Original Acts, vol. 29, p. 116; recorded Acts, vol. 23, p. 225.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened: that Chase Fuller, Daniel Cass and their associates and successors are hereby made a corporation by the name of the Proprietors of the Center Meeting House in Bridgwater and in their corporate capacity are authorized to acquire and hold real and personal estat not exceeding in value two thousand dollars, and are invested with all the powers and privileges and subject to all the duties and liabilities of corporations of a similar nature

Section 2. And be it further enacted, that Chase Fuller may call the first meeting of said Proprietors by posting up in two public places in said Bridgwater at least ten days before said meeting advertisements of the time, place and object thereof

[CHAPTER 43.]

State of)
New Hampshire.)

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT DEFINING THE JURISDICTION POWERS AND DUTIES OF A JUDGE OF PROBATE, AND THE DUTIES EXEMPTIONS AND LIABILITIES OF EXECUTORS, ADMINISTRATORS AND GUARDIANS IN CERTAIN CASES PASSED JULY 2^d 1822.

[Approved June 30, 1826. Original Acts, vol. 29, p. 117; recorded Acts, vol. 23, p. 226. Session Laws, 1826, Chap. 43. Laws, 1830 ed., p. 351. See act referred to, *ante*, p. 110. See also acts of June 21, 1820, and December 2, 1820, Laws of New Hampshire, vol. 8, pp. 902, 923; July 3, 1822, *ante*, p. 155; July 1, 1825, *ante*, p. 438, and June 20, 1820, Laws, 1830 ed., p. 350. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Judges of Probate in the several Counties in this State, be and they hereby are empowered, in the settlement of the accounts of Executors and Administrators of estates actually solvent, to allow such reasonable sum as they may think proper, for the erection of suitable monuments or grave stones at the graves of their testators or intestates.

[CHAPTER 44.]

State of)
New Hampshire.)

AN ACT IN ADDITION TO AN ACT, EMPOWERING THE SELECTMEN OF ANY TOWN IN THIS STATE, TO MAKE ROADS AND STREETS WIDER AND STRAIGHTER.

[Approved July 3, 1826. Original Acts, vol. 29, p. 118; recorded Acts, vol. 23, p. 227. Session Laws, 1826, Chap. 44. See acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 577; December 28, 1803, *id.*, vol. 7, p. 227, and December 11, 1804, *id.*, p. 335. Repealed by acts of January 3, 1829, *post*, and July 3, 1829, Session Laws, 1829, Chap. 52.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That in case the Selectmen of any town in this State shall upon application to them duly made

by petition, refuse or neglect to make any road in such town wider and straighter, the Court of Common Pleas, on petition to them exhibited may if they think proper make such road wider and straighter.

Provided always that the Selectmen of such town, shall be duly notified of the application to the Court of Common Pleas before any alterations shall be made.

Section 2^d And be it further enacted, that the Court of Common Pleas, may upon petition to them presented for the purpose, make any road leading from town to town, or from County to County wider and straighter, provided that the Selectmen of the several towns shall have due notice of such petition.

[CHAPTER 45.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF TAYLORS FALLS BRIDGE.

[Approved July 3, 1826. Original Acts, vol. 29, p. 119; recorded Acts, vol. 23, p. 228.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Moses Tyler, Joseph Winn, Joseph Greely, their associates and Successors be and they hereby are incorporated and made a body politic by the name of the Proprietors of Taylors falls Bridge—and in that name may sue and be sued prosecute and defend to final judgment and execution, and shall be, and hereby are, vested with all the powers and privileges which by law are incident to Corporations of a similar nature—

Section 2. And be it further enacted, that the persons above named or any two of them may call the first meeting of said proprietors, at any suitable time and place by notifications for that purpose stating therein the time, place, and design of such meeting posted up at the Hotel in Nashua Village, in Dunstable and at Fosters tavern in Nottingham West at least ten days prior to the day of meeting or by giving personal notice at least one week prior thereto, at which said first meeting or at any adjournment thereof there shall be chosen a clerk who shall be sworn faithfully to discharge the duties of his office and whose duty it shall be to record the proceedings of said Corporation —

And at the same or any subsequent meeting duly holden the said proprietors may agree on the manner of calling their annual and occasional meetings, may divide their corporate property into shares and prescribe the mode of transferring them, may order assessments

and fix the time of their payment, pass by laws not repugnant to the laws of this State, and annex penalties to the breach thereof not exceeding ten dollars for any one offence, and also may elect such officers as they may deem necessary and do and transact any business proper to carry into effect the objects of their association. And all questions shall be determined by a major vote of the proprietors present or represented at any meeting accounting and allowing one vote to each share in all cases; and all representations shall be proved in writing signed by the person represented, and filed with the Clerk—

Section 3. And be it further enacted, that the said Proprietors be, and they hereby are authorized and empowered to Construct, build erect and keep in repair a bridge over and across the Merrimack River at Hamlet's Ferry between the towns of Dunstable and Nettingham West, or at any point between the mouth of the South branch of Nashua River, and the mouth of Salmon brook; and the same from time to time to rebuild and keep in repair forever.

Section 4. And be it further enacted, That for the purpose of reimbursing said proprietors, for their expences in building and keeping said Bridge in repair, a toll be and hereby is granted and established; and the toll gatherers appointed by said Proprietors are hereby authorized to ask, demand and receive of and from all and every person passing said bridge with cattle, horses, teams and carriages or other thing, the rates of toll following, and to stop and detain all and every person so passing said bridge until such toll shall be paid—That is to say—for every foot passenger two cents, for every horse and rider or led horse six cents; for every chaise or other carriage of pleasure drawn by one horse seventeen cents; and for each additional horse six cents, for every cart or other carriage of burthen drawn by one horse or yoke of oxen ten cents; and for each additional horse three cents; and for each additional yoke of oxen five cents—for each gig waggon ten cents—for each pleasure sleigh drawn by one horse eight cents; and for each additional horse four cents; for each sled or sleigh of burthen drawn by one horse or by one yoke of oxen six cents; and for each additional horse or yoke of oxen three cents; for each carriage of pleasure having four wheels and drawn by two horses twenty five cents—For horses and mules in droves three cents each, for neat cattle in droves two cents each, for sheep or swine one fourth of a cent each; and one person and no more with any loaded team or drove of horses cattle sheep or swine shall be allowed to pass said bridge free of toll, and at all times when the toll gatherer does not attend his duty the toll gate shall be left open—

Section 5. And be it further enacted—That the said proprietors be and they hereby are authorized to purchase and hold so much land as may be necessary and convenient whereon to erect a toll house not exceeding one acre, and also so much land as may

be necessary for a road to and from said bridge, and the same may exchange, sell and dispose of at pleasure—

Section 6. And be it further enacted, that if said Bridge shall not be completed within five years from the passing hereof, this act and the privileges herein granted shall become void and of no effect.

Section 7. And be it further enacted that the treasurer or agent of said incorporation at the expiration of five years from the time when said bridge shall be completed and at the expiration of every five years thereafter shall make out an account upon oath of all expences incurred by them in prosecuting and perfecting the objects contemplated by this act, and all sums expended by them for repairs; and an account also of all the receipts and profits of said bridge accruing from the tolls thereof; and shall present said account so made out to the Justices of the Superior Court of Judicature to be holden within and for said County of Hillsborough next after the expiration of the terms of five years aforesaid. And said Justices upon examination of said accounts, may so regulate alter and amend from time to time said rate of toll established by this act that the net profits arising from said tolls shall not exceed twelve per centum per annum upon all monies so by them expended as aforesaid. And if said treasurer or agent shall neglect to make out and present an account aforesaid at the time or times aforesaid, the tolls shall thereafter cease until such account shall be made out and presented—

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE INSPECTION OF BEEF AND PORK INTENDED TO BE EXPORTED FROM THIS STATE

[Approved July 5, 1826. Original Acts, vol. 29, p. 120; recorded Acts, vol. 23, p. 231. Session Laws, 1826, Chap. 46. Laws, 1830 ed., p. 228. See acts of June 16, 1791, Laws of New Hampshire, vol. 5, p. 759; December 28, 1791, id., p. 824; December 26, 1805, id., vol. 7, p. 460; July 1, 1831, Session Laws, 1831, June session, Chap. 38, and June 22, 1832, id., 1832, June session, Chap. 74. This act repeals act of June 18, 1802, Laws of New Hampshire, vol. 7, p. 108. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened—that from and after the first day of August next no person or persons whomsoever shall ship or export from this State any Salted Beef except in tierces, barrels or half barrels of the quality and dimensions herein after provided, and unless the contents thereof are inspected and packed, and the casks branded agreeably to the directions in this Act.

Section 2. And be it further enacted that there shall be an Inspector General of beef for this State who shall be well skilled in the knowledge of the same to be appointed by the Governor by and with the advice and consent of the Council and be by them removable at pleasure, and who before he shall enter on the duties of his office shall give bond with sufficient sureties to the Treasurer of this State in the penal sum of four thousand dollars for the faithful discharge of his duty and shall also be sworn faithfully to perform the same; and such Inspector shall have power when so qualified to appoint and shall appoint deputy inspectors for whom he shall be answerable and who shall be removeable by him at pleasure; and the same shall be appointed in the several Counties in this State and reside in such places as will best accomodate the people; and the said Inspector General shall take bonds from his deputies with sureties in a sum not exceeding one thousand dollars nor less than three hundred dollars; and the said deputy inspectors shall also be sworn to the faithful discharge of their duty; and the Inspector General is hereby authorized to administer the several oaths required by this act; and it shall also be the duty of the said inspector or either of his deputies to attend as soon as may be after request made at any suitable place within the County where he or they may reside for the purpose of inspecting Beef, and it shall be their duty to see the same weighed packed and Salted.

Section 3. And be it further enacted that it shall be the duty of every deputy aforesaid to make return to the Inspector General once in every six months of the number of tierces, barrels and half barrels of beef inspected by them agreeably to the directions of this act; and it shall be the duty of the Inspector General in the month of June annually to make a return to the Governor and Council of the whole number of tierces, barrels and half barrels of beef inspected according to the directions in this act by him or his deputies during the year preceeding, designating the different sorts of beef and the places at which it was inspected

Section 4. And be it further enacted that no beef which shall be killed after the first day of August next shall be packed or repacked in tierces, barrels or half barrels for exportation as aforesaid unless it be of fat cattle not under three years old, that all such beef shall be cut into pieces as nearly square as may be and which in size shall not exceed eight pounds weight nor be less than four pounds weight. And all beef which the inspector or deputy inspector shall on examination, find to have been killed at a proper age, to be fat and otherwise good and merchantable, shall be sorted and divided by him or them into four different sorts to be denominated Mess., cargo. N^o 1, cargo N^o 2; and N^o 3. Mess beef shall consist of the choice pieces of oxen or steers well fattened, and weighing six hundred pounds or upwards; the shin, shoulder, clod and neck shall

be taken from the fore quarters and the leg and the leg-rand from the hind quarters; and each tierce, barrel and half barrel containing beef of this description shall be branded on one of the heads with the words Mess Beef. And cargo N^o 1 shall consist of choice pieces of oxen, steers, cows or heifers not under four hundred pounds weight without any necks or shanks, and on one head of each tierce, barrel or half barrel containing beef of this description shall be branded cargo N^o 1:

And cargo N^o 2 shall consist of fat cattle of all descriptions not before mentioned, of three years old and upwards, (bulls excepted) with not more than half a neck and two shanks to each barrel, without any hocks, and the same proportion to the tierce and half barrel; each tierce barrel and half barrel of which shall be branded *cargo N^o 2*: And all beef packed and inspected in this State other than Mess, N^o 1. and N^o 2 as before described shall be packed and inspected and branded as follows viz, the pieces by this act excluded from Mess, N^o 1. and N^o 2, and also such Cattle as are excluded from the same together with the end of the neck and of the hocks shall be branded N^o 3 and not otherwise, excepting in the case mentioned in the fifth section of this act; and the brand shall be on one of the heads of the tierce, barrel or half-barrel in which the same shall be packed. And every barrel of beef shall be well salted with seventy five pounds of clean St Ubes, Isle of May, Lisbon or Turks isleand Salt or other salt of equal quality, or eighty pounds of coarse Liverpool salt, or other salt of equal quality, exclusive of a pickel as strong as salt will make it, to which shall be added six ounces of salt-petre to each barrel of Mess beef, and four ounces to each barrel or cargo N^o 1, and Corgo N^o 2; and each tierce and half barrel of beef shall be salted in the same manner and with the same quantity of salt and salt-petre in proportion to the quantity of beef they may contain.

Section 5. And be it further enacted that whenever beef shall be put up for the Government of the United States the inspectors are authorized to inspect said beef according to contract and to brand the same Navy or Navy mess—

Section 6. And be it further enacted that from and after the first day of August next every tierce barrel and half-barrel in which beef shall be packed or repacked for exportation shall be made of good seasoned white oak or white ash staves and heading free from any defect. And each tierce shall contain three hundred pounds weight of beef, and each barrel two hundred pounds weight of beef, and each half barrel one hundred pounds weight of beef— the barrels to measure sixteen inches and a half between the chimes and to be twenty eight inches long; and the half barrels shall contain not less than fifteen gallons. The tierces, barrels and half barrels shall be covered three fourths of their length with good oak, ash, or walnut hoops leaving one fourth in the middle of the same

uncovered, and the heads of the same shall be made of a proper thickness and the hoops be well set and drove together.

Section 7 And be it further enacted that every tierce, barrel and half barrel, in which beef may be packed or repacked for exportation, shall be branded with the first letter of the christian name, and the surname at length of the inspector who has inspected the same, with the name of the town where it was inspected in legible letters, with the addition of *N Hamp*—(for New Hampshire) and also the year in which said provisions shall be packed in figures; and every tierce, barrel and half-barrel of beef shall also be branded with the name of the person for whom the same shall be packed.

Section 8 And be it further enacted that no deputy appointed by virtue of this act shall inspect or brand any cask of beef out of the town or county for which he shall be appointed and if any deputy inspector shall so inspect or brand any cask of beef out of the town or county for which he is appointed he shall forfeit and pay the sum of fifty dollars; and if any person, other than the said inspector or his deputy, shall presume to stamp or brand any cask of beef in the manner directed in this act, he shall forfeit and pay the sum of fifty dollars for each and every cask so unlawfully branded.

Section 9 And be it further enacted that the Inspector General or his deputy appointed by virtue of this act shall be paid for every tierce of beef he may inspect and brand, twelve and a half cents; for every barrel so inspected and branded, ten cents; and for every half barrel six cents: These sums are to be exclusive of cooperage; and the charge of inspection shall be paid by the shipper; And the inspector general shall be entitled to receive from any deputy he may appoint four cents and no more, for each tierce, three cents for each barrel, and two cents for each half barrel of beef which said deputy may inspect and brand according to the directions of this act

Section 10 And be it further enacted that if any inspector or deputy inspector appointed by virtue of this act shall be guilty of any neglect or fraud in inspecting any beef contrary to the true intent and meaning of this act or shall mark with their respective brands any cask containing beef which he has not actually inspected he shall forfeit and pay ten dollars for each and every cask so falsely marked.

Section 11 And be it further enacted that if any person shall intermix, take out, or shift any beef from any cask inspected or branded as by this act is required or put into the same any other beef for exportation contrary to the intention of this act the person or persons so offending shall for each and every offence forfeit and pay the sum of twenty dollars

Section 12. And be it further enacted that no salted beef shall be exported out of State unless the master or owner of the vessel

in which the same shall be exported produces to the collector or some other officer authorized by the laws of the United States to clear vessels out, a certificate from the inspector general or his deputy that the same has been inspected and branded according to the directions of this act; and each certificate shall express the number of tierces, barrels and half barrels of beef of each sort; and the master or owner of every vessel in which beef is so exported on producing said certificate shall take and subscribe the following oath before the officer authorized to clear out vessels as aforesaid:— I A B of ——— do swear that according to the best of my knowledge and belief the certificate hereunto annexed contains the whole quantity of salted beef on board the _____ master and that no salted beef is shipped on board said vessel for the ships company, on freight or on cargo but what is inspected and branded according to the laws of this State So help me God.

Section 13. And be it further enacted, that for each and every certificate given by the inspector or deputy inspector for beef exported he shall receive for a quantity not exceeding one hundred tierces barrels or half barrels, twenty five cents; for every certificate for more than one hundred and less than two hundred, fifty cents; and for every certificate including more than two hundred tierces, barrels or half barrels one dollar, to be paid by the shipper; and the inspector and deputy inspector are hereby severally directed to give such certificates whenever requested

Section 14 And be it further enacted that all penalties and forfeitures, arising by force and virtue of this act shall be recovered by action of debt or information in any court proper to try the same; one moiety thereof to be to the use of the town where the offence may be committed and the other moiety to the use of him or them who shall inform or sue for the same, excepting in cases where the seizure and information shall be made by the inspector or his deputy as is herein after provided.

Section 15 And be it further enacted that nothing in this act shall prevent the exportation of rounds of Beef in kegs or tubs as is now practiced, provided however that the name of the owner and the town where he resides shall be branded on one head of each keg or tub under the penalty of one dollar for each keg or tub as aforesaid not so branded as aforesaid

Section 16. And be it further enacted that if any person or persons shall export or ship for exportation from this State any salted beef not inspected and branded as by this act is directed every such exporter or shipper and the master of every vessel having on board such uninspected beef shall on conviction respectively forfeit and pay the sums following; the owner or exporter shall forfeit and pay the sum of six dollars, and the master of any vessel having the same on board the sum of two dollars for every cask exported or shipped for exportation as aforesaid. And it shall be lawful for

any justice of the peace, upon any information given of any beef being put on board any vessel as aforesaid not inspected and branded as is required by this act to issue his warrant, directed to the Sheriff or his deputy or to a constable requiring them respectively to make seizure of any such salted beef not marked and branded as aforesaid, and to secure the same in order for trial; and said officers are hereby respectively required and empowered to execute the same; and it shall be the duty of every person when required to give the necessary aid for that purpose on pain of forfeiting five dollars for his refusal. And it shall also be lawful for the Inspector General or any of his deputies having information or knowledge of any quantity of beef being laden in any port or place within this State for exportation in respect to which there shall not be a conformity to this act, to make seizure thereof forthwith, or to file a libel or information thereupon in any court proper to try the same and upon trial of such beef so seized in case a breach of this act shall be proved it shall be liable to condemnation and forfeiture, one moiety to the use of the State and the other moiety to the use of the officer seizing and prosecuting for the same.

Section 17. And be it further enacted that from and after the said first day of August next no person or persons whomsoever shall ship or export from this State any salted Pork, except in barrels or half barrels of the quality and dimensions hereinafter provided and the contents thereof be inspected and packed and the casks containing the same be branded agreeably to the directions in this act.

Section 18. And be it further enacted that from and after the first day of August next all pork packed or re-packed in barrels or half barrels for exportation shall be sorted and divided by the inspector or his deputy and denominated as follows; *bone middlings*, *navy mess pork*, *Cargo N° 1*, *cargo N° 2* and *refuse pork*— and in all cases the following parts shall be taken out as refuse viz. nose pieces, ears, brains, tails, feet and lard. Bone middlings shall consist of middle pieces taken from hogs well fattened weighing two hundred and thirty pounds or upwards. Navy mess pork shall consist of all parts of the carcass well fattened weighing from one hundred and sixty pounds to two hundred and thirty pounds except the head fore and hind legs, the shoulder joint lard and refuse parts above mentioned. Cargo N° 1. shall consist of all parts of hogs well fattened averaging two hundred and twenty pounds or upwards and each of which shall weigh not less than one hundred and eighty pounds and to have no more heads; legs, shoulders or other coarse parts than belong to one carcass deducting the lard and refuse as above. Cargo N° 2 shall consist of all parts of one and a half hog well fattened which shall weigh two hundred pounds deducting the lard and refuse as above—Cargo N° 2. also in half barrels shall consist of pig pork all parts of one carcass or not and

not to contain the head or legs of more than one carcass excluding the lard and refuse as above. Refuse pork shall consist of all other kinds of pork of an unmerchantable but wholesome quality. Barrels filled with pork heads, or feet shall be branded pork heads or feet (as the case may be) and in all cases where legs of pork are taken from the barrel to bacon or for any other purpose one shoulder shall be added instead thereof provided the hog from which said shoulder is taken shall weigh two hundred and fifty pounds or upwards; and the deficiency between the legs and the shoulder as aforesaid shall be made up of pieces not less valuable than the legs aforesaid. And each barrel of pork shall be well salted with seventy pounds of clean coarse salt exclusive of a strong pickle.

Section 19. And be it further enacted that every barrel and half-barrel in which pork shall be packed or repacked for exportation shall be made of good seasoned white oak or white ash staves and heading free from defect; each barrel shall contain two hundred pounds weight of pork; the barrels shall measure seventeen and one quarter inches between the chimes and contain not less than thirty one gallons and a half, to be covered three fourths of the length with good oak, ash, or walnut hoops leaving one fourth of the space in the center of the barrel uncovered.

Section 20. And be it further enacted that all barrels and half barrels of pork packed or re-packed for exportation shall be branded with the first letter of the christian name and the sur name at length of the inspector who has inspected the same, with the name of the town where it was inspected, in legible letters with the addition of N. Hamp. (for New Hampshire) and every barrel and half barrel of the three first sorts shall also be branded with the name of the person for whom the pork was packed, and each barrel shall be branded on one of the heads with the quantity of the pork it contains.

Section 21. And be it further enacted that the Inspector General and deputy inspectors of beef to be appointed by virtue of this act shall also be inspectors of pork; and all the rules, certificates and regulations, the fees, fines and forfeitures relating to the inspection and exportation of beef mentioned in this act and the manner of recovering the same shall extend to all barrels and half barrels of pork packed for exportation agreeably to the directions of this act, excepting in such particulars where provision is herein otherwise expressly made.

Section 22. And be it further enacted that no salted pork packed or repacked after the first day of August next shall be exported from this State unless the master or owner of the vessel produce to the collector or any other officer authorized by the laws of the United States to clear out vessels, a certificate from the inspector General or his deputy in the same form, and shall also take and subscribe an oath in the same manner and form as is by this act required respecting the exportation of beef.

Section 23 And be it further enacted that all the provisions, penalties, regulations and requirements contained in this act shall be construed to extend and shall extend to all beef and pork transported or intended to be transported costwise from any port or place in this State to any of the United States or shipped on board any vessel for any purpose whatever

Section 24 And be it further enacted that the act entitled an act to regulate the inspection of beef and pork intended to be exported from this State passed June 18. 1802 and also an act entitled an act in addition to an act entitled an act to regulate the inspection of beef &c passed December 26. 1805 be and the same are hereby repealed. Provided nevertheless that said acts shall be considered as in full force with regard to all actions and prosecutions now pending for any penalty, or forfeiture incurred for the breach of the same And provided also that nothing in this act contained shall be construed to affect the exportation of any beef or pork that shall be duly inspected before the first day of August next agreeably to the laws now in force.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO PRESCRIBE THE MODE OF ELECTION OF REPRESENTATIVES FOR THIS STATE IN THE CONGRESS OF THE UNITED STATES.

[Approved July 6, 1826. Original Acts, vol. 29, p. 121; recorded Acts, vol. 23, p. 243. Session Laws, 1826, Chap. 47. Laws, 1830 ed., p. 418. See acts of February 7, 1789, Laws of New Hampshire, vol. 5, p. 419; June 17, 1790, id., p. 518, and December 16, 1824, *ante*, p. 330. This act repeals acts of June 21, 1792, Laws of New Hampshire, vol. 6, p. 45, and June 19, 1812, id., vol. 8, p. 128. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened. That the inhabitants of the several towns and places within this State qualified to vote in the choice of Senators for the State Legislature, shall assemble in their respective towns or places on the second Tuesday of March in the year of our Lord one thousand eight hundred and twenty seven, and on the second Tuesday of March in every second year thereafter, to vote by ballot for six persons or so many persons as the State of New Hampshire may be entitled to duly qualified to represent this State in the Congress of the United States for the term of two years from and after the third day of the same month of March. And the manner of calling and governing said meetings in the several towns and places, and of receiving, sorting, counting and declaring the votes for representatives in Congress shall be

the same as is by law prescribed in relation to votes for State officers; and a full and fair copy of the record of all the votes shall be made out and certified by the clerks of such towns and places respectively; and sealed up and directed to the Secretary of State with a superscription expressing the purport thereof: and the said clerks shall cause such certified copy to be delivered to the Sheriff of the County in which said towns or places shall be, thirty days at least before the first Wednesday of June following, or to the Secretary of the State at least twenty days before the said first Wednesday of June; and the Sheriff of each County, or his deputy, shall deliver all such certificates by him received, into the Secretary's office at least twenty days before the said first Wednesday of June. And the Secretary shall as soon as may be lay the said returns before the Governor and Council to be by them examined. And in case there shall appear to be any or the full number elected by a majority of votes, the person or persons thus chosen shall be declared duly elected; and the Governor shall forthwith transmit to the person or persons so chosen a certificate of such choice signed by the Governor and countersigned by the Secretary

Section 2 And be it further enacted, that in case there shall not be any or the whole number elected the Governor with advice of council, shall cause precepts to be issued to the Selectmen of the several towns and places within this State, directing and requiring said Selectmen to notify and warn the inhabitants of their respective towns and places qualified as aforesaid to assemble at the time prescribed in such precepts to give their votes for one or more persons or so many persons as there may be vacancies to be filled, for a Representative or Representatives, in the Congress of the United States as aforesaid. And the said meetings shall be called and governed in the manner herein before prescribed; and the inhabitants assembled at said meetings qualified as aforesaid may give in their votes for any person or persons so qualified to represent this State in the Congress of the United States. And the votes for such Representatives shall be received, sorted counted, declared and certified in the manner prescribed in the preceding section of this Act. And the several Clerks aforesaid shall transmit the same to the Sheriff of the County in which their respective towns, are situated within ten days after the time of holding said meetings, or shall transmit the same to the secretarys office within fifteen days after the time of holding such meetings; and the several Sheriffs shall, within twenty days after the time of holding such meetings transmit to the Secretaries office all returns that shall in manner aforesaid have been delivered to them; and the Secretary shall as soon as may be lay the said returns before the Governor and council to be by them examined. And in case of an election of one or all the candidates to fill said vacancies by a majority of the votes returned from the several towns and places, the person or persons thus chosen shall

be declared duly elected; and the Governor shall forthwith transmit to the person or persons so chosen a certificate of such choice signed by the Governor and countersigned by the Secretary.

Section 3. And be it further enacted That in case so many persons as may be necessary shall not be elected on said second balloting by a majority of the votes returned from the several towns and places in this State the Governor with advice of the council shall forthwith cause precepts to be issued as aforesaid directing meetings of the inhabitants of the several towns and places within this State to be called at the time prescribed in such precepts, and the same proceedings shall be had as are prescribed in the second section of this act; and in case it shall happen that at such balloting so many persons as are necessary shall not be elected the Governor with advice of council shall again cause precepts to be issued as aforesaid and the same proceedings shall be had as before prescribed in this section until so many persons as are necessary shall have a majority of votes. And a certificate of the election of the person or persons so chosen shall forthwith be transmitted to him or them as aforesaid

Section 4 And be it further enacted, That whenever any vacancy or vacancies shall happen in the representation of this State in the Congress of the United States, the Governor with advice of council shall cause precepts to be issued to the Selectmen of the several towns and places within this State, directing and requiring them to notify and warn the inhabitants of such towns and places, duly qualified as aforesaid, to assemble on the day in such precepts mentioned to give in their votes for a Representative or representatives to supply such vacancy or vacancies; and the same proceedings shall be had thereon as are directed in the third section of this act. And in case no person or persons shall be chosen to fill such vacancy or vacancies on the first balloting, by a majority of the votes returned, precepts shall be forthwith issued as aforesaid to supply such vacancy and the same proceedings shall be had as are herein before prescribed; and the person or persons having a majority of votes on the second, or the highest number on any after balloting, shall be declared duly elected, and a certificate of the election of the person or persons chosen to supply such vacancy or vacancies shall forthwith be transmitted to him Provided however that in case the precepts so issued shall in any case direct the meeting to supply such vacancy to be held on the second Tuesday of March in any year the votes so given in at such meeting may be returned and counted at the times specified in the first section of this act.

Section 5 And be it further enacted, That the several town Clerks and Sheriffs shall be liable to the same penalties for neglect of the duties enjoined on them respectively by this act as they are

by law liable to for neglect in returning the votes given for Governor, Counsellors and Senators

Section 6. And be it further enacted That an act entitled "An Act directing the mode of choosing Representatives to the Congress of the United States" passed June 21. 1792 and An Act in addition thereto, passed June 19. 1812. be and the same are hereby repealed

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED

[Approved July 6, 1826. Original Acts, vol. 29, p. 122; recorded Acts, vol. 23, p. 248.]

Be it enacted by the Senate and House of Representatives in General Court convened that from and after the passage of this act the several persons herein named shall be called and known by the names which by this act they are respectively allowed to assume, viz. Robert Howe Alcock, of Claremont, may take the name of Robert How Otis; that Susan Hogg of Merrimack, may take the name of Emeline Bartlett; that Cyrus Bradford Alcock, of Claremont, may take the name of Cyrus Bradford Otis; that Luke Alcock of Deering, may take the name of Luke Otis; that Timothy Bradford Alcock, of Dunstable may take the name of Timothy Bradford Otis; that Mary Ann Stevens of Bradford, may take the name of Mary Ann Miller; that Moses Glover of Wolfborough may take the name of Moses Wyman; that John Fassett third, of Fitzwilliam, may take the name of John Williams Fawsett; that John Woodcock of Hillsborough, may take the name of John Burtrum; that Dorthey Woodcock wife of the aforesaid John Woodcock, may take the name of Dorthey Bertrum; that Dorthey Woodcock of Hillsborough, may take the name of Dorthey Bertrum; that Sarah Woodcock of Hillsborough may take the name of Sarah Burtrum; that Rebecah Woodcock of Hillsborough; may take the name of Rebecah Burtrum; that Eliza Woodcock, of Hillsborough, may take the name of Eliza Burtrum; that Celistia Woodcock of Hillsborough, may take the name of Celistia Burtrum; that Belinda Woodcock of Hillsborough, may tke the name of Belinda Burtrum; and that Asahel Adams of Moultonborough; may take the name of Asahel Lamson Adams, and the same shall be considered as their proper and legal names

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT REGULATING BAIL IN CIVIL CAUSES.

[Approved July 6, 1826. Original Acts, vol. 29, p. 123; recorded Acts, vol. 23, p. 250. Session Laws, 1826, Chap. 49. See acts of February 15, 1791, Laws of New Hampshire, vol. 5, p. 687; February 21, 1794, *id.*, vol. 6, p. 158; December 15, 1797, *id.*, p. 452; June 23, 1818, *id.*, vol. 8, p. 688, and December 25, 1828, *post.*]

Be it enacted by the Senate and House of Representatives in General Court convened That Scire facias may be served upon the bail at any time previous to the second term of the Court next to be holden in the County, after entering up final Judgment against the principal, any thing in the act to which this is an addition to the contrary not withstanding

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO "AN ACT REGULATING PROPRIETORY MATTERS" PASSED DECEMBER 22 1808.

[Approved July 6, 1826. Original Acts, vol. 29, p. 124; recorded Acts, vol. 23, p. 250. Session Laws, 1826, Chap. 50. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 774. See also acts of June 17, 1796, *id.*, vol. 6, p. 335; December 24, 1798, *id.*, p. 528, and July 3, 1839, Session Laws, 1839, Chap. 436. Repealed by act of July 3, 1827, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that it shall be the duty of every person in this State, not being a proprietors Clerk; nor being the Clerk of any town having in his or her possession the proprietary records, or any parts thereof, of any town in this State, so connected with the proprietary records of any other town or place, that they cannot be seperated therefrom, without injury, to deposit all such records in the Secretary's office within three months, after the passage of this Act, or within three months, from the time such records may hereafter come to his or her possession; on penalty of forfeiting the sum of one hundred dollars to the use of any person who may sue for the same, to be recovered in an action of debt

Section 2. And be it further enacted, that after such records shall be deposited in the Secretary's office, it shall be the duty of the Secretary to make and certify copies thereof, or any part

thereof, for the use of any person applying for the same; and such copies shall be received and used in all Courts and all other places, as duly authenticated copies of such records

[CHAPTER 51.]

State of *1*
New Hampshire. }

AN ACT FOR REVIVING AND CONTINUING IN FORCE FOR CERTAIN PURPOSES THE ACTS REPEALED BY AN ACT PASSED JUNE 30. AD. 1825

[Approved July 6, 1826. Original Acts, vol. 29, p. 125; recorded Acts, vol. 23, p. 251. Session Laws, 1826, Chap. 51. See act referred to, *ante*, p. 422.]

Be it enacted by the Senate and House of Representatives in General Court Convened, that the acts repealed by an act entitled an act for the limitations of actions and preventing vexatious suits passed June 30. AD. 1825 be so far revived and continued in force that all actions whih were pending in any Court in the State on the said 30th day of June may be tried on the same pleadings and in the same way and manner as the same might have been tried had not said last mentioned act been passed

[CHAPTER 52.]

State of *1*
New Hampshire. }

AN ACT IN AMENDMENT TO AN ACT ENTITLED "AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING THE PROBATE COURT WITHIN AND FOR THE COUNTY OF ROCKINGHAM PASSED DEC. 15TH AD. 1824

[Approved July 6, 1826. Original Acts, vol. 29, p. 126; recorded Acts, vol. 23, p. 252. Session Laws, 1826, Chap. 52. See act referred to, *ante*, p. 318.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Probate Court shall be holden at Londonderry on the Thursday following the first Tuesday of May annually and not on the first Tuesday in May as is provided in the Act aforesaid

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH SALARIES FOR THE OFFICERS OF THE COURTS
OF PROBATE IN THIS STATE.

[Approved July 6, 1826. Original Acts, vol. 29, p. 127; recorded Acts, vol. 23, p. 253. Session Laws, 1826, Chap. 53. This act partly repeals act of December 23, 1820, Laws of New Hampshire, vol. 8, p. 1003. Repealed by act of January 2, 1829, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the several Judges of Probate in this State, shall have and receive out of the treasury, a salary, to be paid quarterly, by warrant on the Treasurer of the State, on the first days of January, April, July and October annually, which salary shall be in full compensation for all services which by the laws of this State ought to be rendered by the Judges of Probate in their respective counties.

Section 2. And be it further enacted, that the several Registers of Probate in this State shall have and receive out of the Treasury, a salary, to be paid quarterly, by warrant on the Treasurer of the State, on the first days of January, April, July and October annually, upon furnishing the treasurer with a certificate from the Judge of Probate in their respective Counties, that the records of their respective courts are made according to law; which salary shall be in full compensation for all services which by law ought to be rendered by the Register of Probate, in their respective courts. *Provided*, that in all cases where copies of the records may be called for to be used in any place other than the Court of Probate in their respective counties, the Registers of Probate thereof may demand and receive the same fees as other certifying officers, excepting for copies necessary for Executors, administrators or guardians in the settlement of estates; and for all fees so received the register shall give the person paying the same a receipt stating the amount received and for what copies—

Section 3. And be it further enacted, that the Judge of Probate for the county of Rockingham shall receive the sum of three hundred forty dollars, and the Register of Probate for said County, the sum of four hundred seventy dollars; the Judge of Probate for the county of Strafford shall receive the sum of four hundred twenty dollars and the Register of Probate for said County, the sum of five hundred seventy five dollars; The Judge of Probate for the County of Merrimack shall receive the sum of two hundred forty five dollars and the Register of Probate for said County the sum of three hundred forty five dollars; The Judge of Probate for the

County of Hillsborough shall receive the sum of two hundred seventy dollars, and the Register of Probate for said County the sum of three hundred seventy five dollars The Judge of Probate for the County of Cheshire shall receive the sum of three hundred sixty dollars, and the Register of Probate for said County the sum of five hundred dollars; The Judge of Probate for the County of Grafton shall receive the sum of two hundred seventy five dollars and the Register of Probate for said County, the sum of three hundred eighty dollars; The Judge of Probate for the County of Coos shall receive the sum of one hundred dollars, and the Register of Probate for said County, the sum of one hundred twenty five dollars; which sums shall be in full for the annual salaries of the aforesaid officers, and shall be paid to them respectively, in manner as in this act is heretofore provided.

Section 4. And be it further enacted, that so much of an act entitled "an act regulating fees, and repealing certain acts relative to the same" as relates to the fees of the Judges of Probate, and Registers of Probate, and all other acts or parts of acts, inconsistent with the provisions of this act, shall be, and the same hereby are, repealed—Provided that, this act shall not take effect until the tenth day of July in the year of our Lord one thousand eight hundred and twenty six.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE GILFORD UNIVERSALISTS SOCIAL LIBRARY

[Approved July 6, 1826. Original Acts, vol. 29, p. 128; recorded Acts, vol. 23, p. 256.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened, that Levi R Weeks, Joseph R Goss and their associates and successors are hereby made a corporation by the name of the Proprietors of the Gilford Universalist's Social Library, and are authorized to acquire and hold personal estate not exceeding in value five hundred dollars, and are invested with all the powers and privileges and subject to all the duties and liabilities of corporations of a similar nature

Section 2. And be it further enacted, that Levi R Weeks may call the first meeting of said corporation by posting up advertisements of the time, place and object thereof in two public places in said Gilford at least ten days prior to said meeting.

[CHAPTER 55.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE DESCENT AND DISTRIBUTION OF INTESATE ESTATES" PASSED JULY 2^D 1822.

[Approved July 6, 1826. Original Acts, vol. 29, p. 129; recorded Acts, vol. 23, p. 257. Session Laws, 1826, Chap. 55. Laws, 1836 ed., p. 354. See act referred to, *ante*, p. 102. See also acts of February 3, 1789, Laws of New Hampshire, vol. 5, p. 384; January 4, 1792, *id.*, p. 838; December 13, 1792, *id.*, vol. 6, p. 60, and December 21, 1824, *ante*, p. 360. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened, that the Executor or Administrator of any Estate, may require of any person having a claim against such Estate, to exhibit the same under oath, which oath shall be annexed to such claim and certified by a magistrate administering the same, and shall be in the form following—

I *A. B* do solemnly swear (or affirm) that according to the best of my knowledge and belief the above is a true statement of my claim against the Estate of (*C D* late of *E* deceased) and that I have not on my books or elsewhere any credit, or any, knowledge of any credit, that should be allowed against my claim except what is stated in the foregoing account. So help me God.

[CHAPTER 56.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT INCORPORATING "THE PROPRIETORS OF PONT FAYETTE

[Approved July 6, 1826. Original Acts, vol. 29, p. 130; recorded Acts, vol. 23, p. 258. Session Laws, 1826, Chap. 56. See act referred to, *ante*, p. 326.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that it shall be lawful for the corporation called "The proprietors of Pont Fayette" to keep, repair, continue and rebuild according to the provisions of the Act aforesaid their bridge across Pemigewasset on its present site, said corporation paying the proprietor of the land a reasonable rent for the same and if the parties do not agree on the amount of rent the Court of Common Pleas may on application of either of them

determine the same by a Committee in the same way and manner in which compensation is by law made to persons over whose land roads are made.

Section 2 And be it further enacted that whilst a road or highway three rods wide shall be kept open and in repair from the Campton road so called in Plymouth to the westerly end of the bridge aforesaid and from the Center Harbour road, so called, in Holderness to the easterly end of said Bridge without expence to the towns aforesaid or either of them and while said bridge continues in repair the easement or right of way across said river known by the name of the ferry road from said Campton road to said Center harbour road shall be suspended or discontinued

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT RAISING FORTY THOUSAND DOLLARS FOR THE USE OF THE STATE.

[Approved July 6, 1826. Original Acts, vol. 29, p. 131; recorded Acts, vol. 23, p. 259. Session Laws, 1826, Chap. 57.]

Be it enacted by the Senate and House of Representatives in General Court convened, that there shall be raised for the use of the State the sum of forty thousand dollars, which sum shall be assessed, collected and paid into the Treasury, on or before the first day of December, in the year of our Lord, one thousand eight hundred and twenty seven; and the Treasurer is hereby directed to issue his warrants to the Selectmen or assessors of the several towns, parishes and districts within this State, according to the last proportion act: and the Selectmen and assessors of the several towns, parishes, and districts aforesaid are hereby respectively, required to assess the sums specified in the Treasurer's warrants, and cause the same to be paid into the Treasury on or before the first day of December, in the year of our Lord one thousand eight hundred and twenty seven: and the Treasurer may issue extents for all taxes that shall then remain unpaid

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ST MARKS LODGE N^o 44.

[Approved July 6, 1826. Original Acts, vol. 29, p. 132; recorded Acts, vol. 23, p. 260.]

Section 1. Be it enacted, by the Senate and House of Representatives in General Court convened; that Lemuel M Barker, William Anderson 3^d Perkins A Hodge, their associates and successors be, and hereby are erected a corporation, by the name of St. Mark's Lodge, N^o 44, with power to hold any estate not exceeding Two thousand dollars, in value, and with all other powers common to Masonic Corporations.

Section 2 And be it further enacted that said Lemuel M Barker, William Anderson 3^d and Perkins A Hodge, or any two of them, may call the first meeting of said corporation, at such time and place, and in such publick manner as they may deem proper

[CHAPTER 59.]

State of }
New Hampshire. }

AN ACT TO REPEAL A CERTAIN ACT AND PART OF AN ACT REGULATING THE TAKING OF FISH IN COCHECHO RIVER

[Approved July 6, 1826. Original Acts, vol. 29, p. 133; recorded Acts, vol. 23, p. 261. Session Laws, 1826, Chap. 59. Laws, 1830 ed., p. 241. The acts referred to are printed in Laws of New Hampshire, vol. 5, p. 349, and vol. 8, p. 513.]

Be it enacted by the Senate and House of Representatives in General Court convened that an act entitled an act for the preservation of Alewives in Cochecho River passed June 27. 1816. And also so much of an act entitled an act to preserve the Fish in Piscatequa river and the branches thereof passed Jan. 20. 1789 as prohibits the use of seines in taking Alewives in the Cochecho branch of said river be and the same are repealed

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE SUPERIOR COURT OF JUDICATURE TO ESTABLISH THE RATE OF TOLL AT WHITE RIVER FALLS

[Approved July 7, 1826. Original Acts, vol. 29, p. 134; recorded Acts, vol. 23, p. 262. Session Laws, 1826, Chap. 60. See acts of June 12, 1807, Laws of New Hampshire, vol. 7, p. 574, and December 24, 1840, Session Laws, 1840, November session, Private Acts, Chap. 1.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened that the Justices of the Superior Court of Judicature be and they are hereby authorized and empowered, at the term of said Court to be holden at Plymouth in the County of Grafton on the second Tuesday of November 1826 or at any other term of said Court holden in said County to establish the rate of toll to be received by the proprietor or proprietors of the locks at White River falls by virtue of an act passed June 12. 1807, entitled "An Act granting to Mills Olcott the privilege of locking White River Falls" And the rate of toll so established shall be binding and valid to all intents and purposes for and during the term of five years from the first day of January 1827 and until a different rate of toll shall be established And said Superior Court are empowered to fix and establish the rates of toll to be taken at said works once in every five years as aforesaid on petition therefor as herein after directed

Section 2^d And be it further enacted that process may be instituted for establishing the rate of toll as aforesaid by petition, to be filed in the office of the Clerk of the Superior Court of Judicature for the County of Grafton signed by not less than six persons on or before the first day of September next, and by leaving with Mills Olcott Esq^r of Hanover a copy of said petition by the first day of October next—or by filing in the office of said Clerk a petition as aforesaid thirty days, and by leaving with said Mills Olcott a copy of said petition fifteen days at least before the commencement of any term of said Court to which application may be made by petition as aforesaid to establish said rates of toll. Provided nevertheless that nothing in this act shall be construed or is intended to confirm the right to take such rates of toll as shall be established by said Superior Court of Judicature, or any toll whatever if it shall be found that the aforesaid charter granted June 12. 1807. has been forfeited in any manner

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT REGULATING
PROCESS AND TRIAL IN CIVIL CAUSES.

[Approved July 7, 1826. Original Acts, vol. 29, p. 135; recorded Acts, vol. 23, p. 263. Session Laws, 1826, Chap. 61. The act referred to is dated February 9, 1791, Laws of New Hampshire, vol. 5, p. 621. See also acts of December 11, 1792, id., vol. 6, p. 58; December 13, 1796, id., p. 371; June 21, 1797, id., p. 407; November 5, 1813, id., vol. 8, p. 273; January 2, 1820, *post*, and December 10, 1840, Session Laws, 1840, November session, Chap. 562. This act repeals first section of act of June 29, 1825, *ante*, p. 419.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that in any action now commenced, or which may hereafter be commenced against any person who is not an inhabitant or resident in this State or against a person whose residence shall not be known to the officer serving the writ, and the goods or estate of the defendant within this state shall be attached, but no personal service be made on the defendant, the Justices of the Court before whom such suit shall be depending on suggestion thereof shall order the said action to be continued to the next term of said Court and may order notice to be given of the pendency of such suit by publication of a notice in such form as the said Court may order in such newspaper or newspapers printed within this State and for such period of time not less than thirty days as the Court may direct, the last publication thereof to be at least thirty days prior to the term of said Court to which said action shall be continued,—and the said Court may if they think proper order a like notice to be published in some newspaper printed without this State, and the publication so ordered, sufficient evidence thereof being produced to the satisfaction of said Court shall be deemed and taken to be sufficient notice to the defendant of such suit. And in case the defendant being so notified shall not appear by himself or his attorney at the term of said court to which said action may be continued judgment shall be entered against him by default, and such Judgment shall be as valid and effectual to all intents and purposes as it would be in case the defendant had personal notice of such suit.

Provided that nothing herein contained shall be construed to prevent said Court from continuing such action from term to term and rendering judgment for the plaintiff after such continuances in the manner prescribed in the seventeenth section of an act entitled "an act regulating process and trial in civil causes" passed February 9. A.D. 1791.

Section 2. And be it further enacted that the first section of an act entitled "an act in addition to an act entitled an act regulating process and trials in civil causes" passed June 29 A.D. 1825 be and the same is hereby repealed. Provided that all notices now ordered under the same shall be and remain good as if this act had not been passed.

[CHAPTER 62.]

State of }
New Hampshire. }

AN ACT, TO CONFIRM AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF VERMONT, ENTITLED, "AN ACT TO PROVIDE FOR IMPROVING THE NAVIGATION IN THE VALLEY OF CONNECTICUT RIVER."

[Approved July 7, 1826. Original Acts, vol. 29, p. 136; recorded Acts, vol. 23, p. 265. Session Laws, 1826, Chap. 62. See act of same date, *post*. See also act of December 13, 1824, *ante*, p. 310.]

Whereas, the General Assembly of the State of Vermont have heretofore at the October session of the said General Assembly in the year of our Lord one thousand eight hundred and twenty five, passed an act entitled "an act to provide for improving the navigation in the valley of Connecticut river" in the substance or words following:

An act to provide for improving the navigation in the valley of Connecticut River.

Whereas, the navigation of Connecticut River above Hartford, in Connecticut is greatly impeded and interrupted by rapids shoals and other obstacles, and an improved and more constant navigation, in the valley of said River will promote agriculture, commerce and manufactures and be of publick utility to induce and encourage the undertaking and execution of the works necessary to such improvement.

Section 1. It is hereby enacted by the General assembly of the State of Vermont that as soon as the Legislatures of the States of Massachusetts, Connecticut and New Hampshire shall assent to and confirm the provisions of this act, there shall be appointed by the Executives of the several States aforesaid three Commissioners on the part of each State any one of whom shall be competent to act for his respective Government, in all cases except where the power or authority to do, approve or assent to any act is expressly given and confined to the Commissioners of that State in which the same is to operate or take effect or a majority of them, and each of said Commissioners shall be duly sworn or affirmed to the true

and faithful performance of their duties under this act, and shall receive a reasonable compensation, for their services, and expences therein from the Company hereinafter incorporated, and if any Commissioner, appointed under this act, shall be or become a stock holder or in any manner interested in said Company, his office of Commissioner shall thereupon cease and be vacated. And said Commissioners shall cause books to be opened, at such times and places as they think fit, in their respective States, under the management of such persons as they shall appoint, for receiving subscriptions to the stock of the Company hereinafter incorporated, which subscription may be made either in person or by power of Attorney and notice shall be given by any one or more of said Commissioners, of the time and place of opening the books and one dollar shall be required and paid on each share subscribed at the time of subscribing.

Section 2. It is hereby further enacted, that said Commissioners shall cause the books to be kept open, at least ten days and within twenty days after the expiration thereof shall call a general meeting of the subscribers at such place as they shall designate of which meeting notice shall be given by said Commissioners or a majority of them in a newspaper printed in Hartford in the State of Connecticut, North-Hampton in the State of Massachusetts, Windsor in the State of Vermont and Haverhill in the State of New Hampshire, at least twenty days previous to said meeting and said meeting may be continued from day to day until the business is finished and the Commissioners shall at the time and place designated, lay before such of the subscribers as shall meet according to said notice the book or books containing the state of said subscriptions, and if a capital stock of one million of dollars shall appear not to have been subscribed the said Commissioners may at said meeting take and receive further subscriptions to make up said deficiency and in case more than one million five hundred thousand dollars shall be subscribed, then the sum subscribed shall be reduced to that amount, by said Commissioners, in such manner and proportion, as seem to them reasonable and best; and the capital stock of the company, hereby incorporated, shall consist of one million, five hundred thousand dollars, divided into fifteen thousand shares of one hundred dollars each, with such additional shares as may hereafter be created, pursuant to the provisions of this act.

Section 3. It is hereby further enacted, that whenever five hundred thousand dollars shall have been subscribed in manner aforesaid, then the subscribers to said stock, their associates, successors, legal representatives and assigns, shall be and they are hereby declared to be incorporated and made a person in law, by the name of the Connecticut River Company, and by that name may sue and be sued, make contracts, purchase, may take and hold lands, and

in common with others, may procure, own, and use steam boats, and other boats, for aiding commerce on said River; may have perpetual succession, and a common seal, and may enjoy and exercise all rights and powers, incident to Corporations, and necessary to effect the objects of this act. And when it shall appear that five hundred thousand dollars have been subscribed, as aforesaid, the said subscribers, present at the said meeting, or duly represented, are hereby empowered and required to elect not less than five, nor more than thirteen directors, among whom shall be one inhabitant of each of said States, to conduct and manage all the said Company's concerns, and business, and regulate the passage of boats and other floats until the next annual meeting, and until others are duly elected in their places; and at every annual meeting the said Company shall elect Directors, as aforesaid, and such other officers and agents as they shall deem expedient, who shall hold their offices for one year, and until others shall be chosen to fill their places and in case any vacancy, in any office of said Company shall happen, by death or resignation of any officer, or otherwise, the directors for the time being, or a majority of them, may fill such vacancy, by appointment, to remain good until the next general meeting of the stock holders, who may then supply all vacancies by their own choice. Each stockholder shall be entitled to one vote for every share held by him or her; and any proprietor, by writing under his or her hand, may depute any other person to vote and act as proxy for him or her, at any general meeting. And the directors, at their first meeting, shall elect one of their number to be president.

Section 4. It is hereby further enacted, That such number of directors shall constitute a board for the transaction of business, as the stockholders shall from time to time determine; who may act by a majority, and have power and authority to appoint, and, at their pleasure, dismiss, an engineer or engineers and agent or agents, as they may deem expedient, and fix their compensation, and have authority to cut canals, erect dams, construct towing paths, aqueducts, culverts, waste weirs, basins for boats, with side cuts or canals thereto, locks and piers, deepen channels, and execute such other works as shall be judged necessary and expedient for improving and making good the navigation from Hartford in said State of Connecticut towards the foot of the fifteen mile falls in Barnet in the State of Vermont.

Provided, that such dams, canals, towing paths, aqueducts, culverts, waste weirs, basins, side cuts and canals thereto, locks, piers, deepening of channels and other works, shall be made, constructed, and done, with the consent and approbation, in writing, of a majority of the Commissioners of the State, in which the same shall be respectively located.

And provided always, that the treasurer shall give bond, in such penalty, and with such security, as the directors shall prescribe, for the true and faithful discharge of the trust reposed in him.

Section 5. It is hereby further enacted, that the Directors may make and order payment of such assessments upon the shares of the proprietors, as shall be necessary for carrying into effect the objects of this act; provided, that no installment shall become payable, until at least sixty days publick notice thereof shall have been given, in one newspaper, printed in each of said States, and such other publick prints as the directors, or the stockholders, in general meeting, shall direct. And in case any stockholder shall neglect to make payment of any assessment, for more than thirty days after the same shall have become payable, as aforesaid, the said board may cause to be sold, at publick auction, so many of said delinquent proprietor's shares, in the stock of said Company as shall be necessary to raise the amount of such assessment, after having given such notice of the time and place of sale, as the by laws of the company shall direct: and the balance remaining after the payment of such assessment, shall be paid to such delinquent proprietor, on demand, or his representatives, and the purchaser shall thereby become a stockholder, and be subject to the same rules and regulations and entitled to the same rights, privileges, and emoluments as original subscribers.

Section 6. It is hereby further enacted, that a general meeting of the stockholders shall be holden at Hartford in the State of Connecticut, or such other convenient place, as the stockholders shall direct, on the first wednesday of January, in every year; to which meeting the directors shall make report of their doings, and render distinct accounts of all their proceedings; and at such yearly, general meetings, and such other times as the stockholders, in general meeting shall direct, after reserving such sums, as the stockholders, assembled in general meeting, or a majority of them, shall judge necessary, for repairs and expences, a dividend of the net profits, arising from the tolls, shall be ordered and made, by the board, to and among the stockholders of said company in proportion to their respective shares.

Section 7. It is hereby further enacted, that if either of said Commissioners, hereby required to be appointed, shall die, resign, or refuse to act, the place of such Commissioner shall be filled by the same authority, by which the original appointment was made.

Section 8. It is hereby further enacted, that it shall be lawful for the company, hereby incorporated, to accept donations of land, or other things, to aid and promote the objects of this act. to agree with the owners of land, or other property, needful for the purposes of this act, for the purchase, or the use or occupation thereof, and in case no such agreement be made, the said company may enter

into, hold, use, and possess, so much of the waters and banks of said river, and the lands adjacent thereto, as shall be necessary for effecting in the best manner the objects of this act, and may dig, cleanse, and remove obstructions from the banks channels, bars, and rapids of said river; may construct dams, canals, locks, towing paths and railways, where it shall be deemed expedient, and other works beneficial to the navigation, being first permitted and approved as aforesaid; and in case any land, waters, or other property of any person or persons shall be taken, used, occupied or injured, for, or by the works of said company, and the parties do not agree for the purchase, use or occupation thereof by said company the commissioners of the state in which the same is situated or a majority of them taking into view the benefit, as well as injury to such person or persons shall at the request of either party, assess and liquidate the damages, if any, over and above the benefits & advantages to such person or persons; and the property so appraised upon payment or tender of the damages finally assessed and liquidated, shall become and remain the property of said Corporation forever. Provided, that whenever application is made to said Commissioners, to assess and liquidate damages, as aforesaid, they shall cause reasonable notice thereof to be given to the parties interested, and of the time and place, when and where they may be heard, relating to their interest in the property to be appraised; or in case any party interested be a feme covert, infant, or non compos mentis, to the husband, or guardian, of the same, or to the known agent or attorney of any person absent; and said Commissioners, shall cause regular entries to be made of all their appraisals and determinations under this act. And it shall be the duty of said Commissioners, within thirty days after such assessment is made, to give notice thereof to said corporation, and to the adverse party, his or her agent or attorney, husband or guardian, as the case may be; and in case of the absence of the adverse party, having no known agent or attorney or of the infant, or non compos mentis, having no guardian, such notice shall be given of the said assessment as shall seem to the Commissioners aforesaid reasonable.

Section 9. It is hereby further enacted, that whenever said Connecticut River Company, or any person interested, shall feel aggrieved by any assessment of damages, made by said Commissioners, the party so aggrieved may, at any time within thirty days after notice of such assessment, shall have been given, as aforesaid, appeal to the highest court of judicature, authorized to empanel and try causes by a jury, next to be holden for the county in which such property, on account of which, damages shall have been assessed, as aforesaid, is situated, who shall finally decide thereon, and tax cost in favour of either or neither party, as shall seem just to said Court: and such appeal shall be taken by the party

appealing, causing a written notification thereof, signed by or in behalf of such party, with one of said Commissioners of the State in which the property taken, used or damaged by said company, is situate, who shall cause the same to be forthwith lodged with the Clerk of the court to which the appeal is taken, and by causing a copy of such notification of appeal to be left with the adverse party, his or her known agent or attorney, husband or guardian, as the case may be, when the appeal is taken by said Corporation or with a director or Clerk of said company where the appeal is taken by a party claiming damages from said corporation.

Provided, That either party shall, on said appeal, be entitled to a trial by jury, and, also, that said corporation, before entering into, and taking possession of, any such property, shall pay or tender to the person entitled, or their agent attorney, or guardian the damages assessed.

Section 10. It is hereby further enacted, that the right, title, and property of said Corporation, and of each individual thereof, in said locks, canals and other works, and their appurtenances be, and the same is hereby, declared to be personal estate, to all intents and purposes, and all transfers of the stock of said Company, shall be made and evidenced in such manner and form as shall be provided by the laws.

Provided, That no transfer shall be made, except of one or more whole shares, and not for any part of such share or shares, and that no share or shares shall, at any time, be sold, conveyed, or held in trust, whereby said company or any of its officers or agents, shall be challenged or made to answer, concerning any such trust, but that every person appearing, as aforesaid, to be a stockholder, shall, as to the others of said company, be taken absolutely as such.

Section 11. It is hereby further enacted, That if the capital stock allowed by this act, shall prove insufficient, it shall and may be, lawful for said company, from time to time, to increase their capital stock, by the addition of so many shares of one hundred dollars each, as a majority of the Stockholders, present in General meeting, shall judge necessary; and the board of directors shall cause notice to be given, and books to be opened, for receiving such further subscriptions, as the stockholders shall direct, as aforesaid; and if more shares than are called for, shall be subscribed the number shall be reduced by the commissioners, in manner before provided, they giving preference, in the distribution, to existing stockholders, over persons who are not proprietors.

Section 12. It is hereby further enacted, that said Corporation shall cause accurate accounts to be kept of all their expences and disbursements under this act, which shall be liquidated and adjusted by said Commissioners, at the expiration of the time hereinafter limited, for completing the improvements of said navigation, or sooner

if the several locks, canals, and other works shall be sooner completed; and said Commissioners shall state the amount thereof, and cause the same, or a copy thereof, to be returned to the secretary of each of said States, where it shall be lodged. And the books and accounts of said Company shall, at all times, be open to the inspection of any Commissioner of either of said States.

Section 13. It is hereby further enacted, that said Company may, from time to time, make by laws for the regulation of their affairs, and the duties of their officers, and for the preservation and management of their locks, canals, and other works, not contrary to this act, nor to the laws of either of said States, in which the same are to operate, and may annex and collect, in any Court, proper to try the same, penalties not exceeding ten dollars, for the violation of any provision of such by laws.

Section 14. And whereas, divers Corporations have been created, under laws passed by this and the other States aforesaid, vested with powers to improve the navigation of Connecticut river, in certain parts thereof and only to a limited extent, and the Continuance of separate, independent, and limited Corporations, may greatly impede and embarrass the beneficial use of the waters of said river, for transportation thereon, and the publick good requires that the navigation of said River, within the whole of the limits, within this act mentioned, and the regulations respecting the same, should be subject to one uniform system, and under the management of one body, therefore, It is hereby further enacted, that whenever the proprietors of more than one half, in value, of the whole stock of any of the Companies heretofore incorporated shall have agreed with the Company hereby created, upon the price and terms on which they will sell to the same company their stock or shares to the amount aforesaid, it shall and may be lawful for said Company, heretofore incorporated, by their corporate act, to signify their assent to the provision of this act, and to transfer and make over to the Company hereby created, its charter and all the rights powers, privileges, and property granted to, or by such company, heretofore incorporated, at the time of such transfer owned, possessed and enjoyed: and thereupon after paying to the acceptance of the several proprietors of the major part, in value, of the whole stock, as aforesaid, the price of the stock, so agreed to be sold and to the proprietors thereof, the price of any other and further stock in the same company, for the purchase of which an agreement shall have been made, by the proprietors and Corporation hereby created, it shall and may be lawful for said Corporation to accept such transfer, and the surrender of said rights, powers, privileges and property, a copy of which transfer and acceptance shall be lodged in the office of the Secretary of the State, by which such company was incorporated, and the rights, powers and privileges of the

same Company, with all things thereto appertaining, shall thereupon, be vested in, and holden, and may be possessed, enjoyed, and exercised by said Company, hereby created, in as ample manner as the same are, or at the time of such transfer and acceptance, may or shall be enjoyed by such Company making such transfer; and the said Connecticut River Company, from and after such acceptance, shall be holden and liable to perform and discharge all the obligations, contracts, and duties, on such transferring company incumbent, so far as the same duties or obligations are not varied or altered by this act, or pursuant to the provisions thereof, and the rights, powers and privileges, of such company so making such transfer, after such acceptance and payment, as aforesaid, shall cease and be determined. And the said Company hereby created, shall thereupon, have a right to use improve, alter, add to, or make a substitute for the works of such company so transferring, in such manner as shall best promote the objects of this act, first obtaining the assent and approbation of the Commissioners of the State in which such works are situate, or a major part of them, to such alterations, additions, substitution, or improvement. And whereas, it may happen, by reason of the proprietor or proprietors of any share or shares, in any company, the major part of the stock whereof it has been agreed should be sold to the said Connecticut River Company, being absent out of the United States, or being a minor, or of such shares being holden in trust, there is no person capable of selling such shares, or from some other cause, that the company hereby created may not be able to purchase the remainder of such stock or shares, or part thereof, and the publick good requires that the improvement of the navigation of said River should not thereby be impeded, and the exertions of said Company therefor, be defeated, and that the owner of such shares or stock should receive an adequate and reasonable compensation therefor, the said Connecticut River Company, or their agent or agents, or the party holding such shares or stock, may have an appraisement and valuation of such shares or stock, which they shall not be able to purchase, holden in any such company, the major part of the stock or shares of which they shall have agreed to purchase, as aforesaid, in the manner herein prescribed, for appraising and assessing damages, where land or other property is taken for the purpose of canals or other works, and such proceedings shall, in all respects, be had, as in such case is prescribed: and any person aggrieved at such appraisement, may appeal therefrom, and have the valuation assessed by a jury, as is herein provided, in regard to such damages; and a certificate of the appraisement of the Commissioners, or of a jury in case one shall have passed thereon, shall be lodged with the person, who shall be the clerk of such company, at the time of transferring their charter as aforesaid,

and upon payment, or tender to the owner thereof, or his lawful agent or Attorney, of the sum, at which such shares shall have been appraised, together with the interest thereof, at six per cent. per annum, within six months from such appraisement, such share or stock shall be vested in said Connecticut River Company. And in case there be no person within the United States, authorized to receive payment of the sum at which such stock or shares shall have been appraised, the treasurer of the company, hereby created, shall hold the same for the benefit of the person, legally entitled thereto, or his lawful representatives; and said company shall be holden to pay the amount, on demand, to any person authorized to receive the same, with interest thereon, at six per cent. per annum, for the first six months after such appraisement, and at five per cent. per annum, thereafter, until payment or tender of the amount due shall be lawfully made; and at the end of six months from the time of such appraisement, such stock or share shall be vested in the company hereby created. And it is hereby declared, that nothing in this act contained, shall be construed, or taken to alter, add to, take from, or impair the rights vested in any person, or persons, corporation, or corporations, or any grant, or charter, given by either of the States aforesaid, except so far as they are, or may be altered by, or pursuant to, the express provisions of this act.

Section 15. It is hereby further enacted, That as soon as said Company shall have constructed suitable and convenient locks and canals so as to permit the passage through the same, and into and out of, the same, from and to said river, of boats not less than sixty feet long, and sixteen feet broad, by at or near the following places, viz:—by Enfield Falls, in the State of Connecticut, near the north part of Hatfield or Hadley in the State of Massachusetts; at School meadow bar; in the States of New Hampshire or Vermont:—viz. near Coopers rocks in Hinsdale or Vernon; in Hinsdale or Brattleborough, near the bridge across Connecticut river; in Westmoreland or Putney, near Clay's island; in Charlestown or Springfield, near Gill's island; in Cornish or Windsor, near Chase's island; in Orford or Fairlee, near Flag island; in Haverhill or Newbury, near Johnson's rocks; and also near the mouth of Wells river; in Bath or Ryegate, near Dodges falls; or by, at, or near either of the places aforesaid; and whenever, and as soon as said company shall have acquired the right to the locks, canals, and works for improving the navigation at South Hadley falls, and to the locks and canals and works for improving the navigation at Millers falls, both in the State of Massachusetts; at Bellows's falls in New Hampshire and Vermont; at Water Queechy falls, and at White river falls, or the locks, canals, and other works for improving the navigation, at or by either of the

places aforesaid, where such locks, canals and works now exist, and shall have improved the same, so far as is necessary, to permit the passage of boats of the dimensions aforesaid, the said company, in consideration and remuneration of the expences, which they must necessarily incur, in constructing, acquiring, and improving each of the aforesaid works, by them constructed, or acquired and improved, and in keeping the same in repair, may, by their directors or otherwise, from time to time, fix and establish the tolls, which they shall have a right to demand, and, by their toll-gatherer, or other agent, to collect of the owner or person having charge of any boat or other floating thing, and of the property or lading carried in or on the same, for the sole benefit of the stockholders, at each of the places aforesaid, after such locks and canals, or either of them, shall have been so constructed, or acquired and improved by said company, or a substitute therefor, made as aforesaid; and all boats, with their lading, floats, and other property, may be detained and prevented from passing through the said canals and locks, and all or either of them until the lawful tolls demandable thereon, shall be paid by the owner or person having the charge thereof, and with the consent and approbation, in writing of said commissioners, or a major part of them, may construct and establish, at convenient places, weighing locks or scales, and in case the toll collector and the owner, or person having charge of any boat, float, lading, or other property, do not agree as to the weight, or in the case of lumber, as to the measure and quantity thereof, the same may be detained by the toll collector, and the weight or measure thereof ascertained with all reasonable dispatch and care.

Provided, that the tolls to be demanded and collected, as aforesaid, shall not exceed the sums following, at the several places below specified, viz.

	Lading, other than lumber of boats or other floats per ton weight.	Lumber sawed or in the log for each thousand feet of board measure, or for seven thousand of shingles
For ascending by Enfield falls, whether in the river or canal,	fifty cents	
For ascending or descending the locks and canals at South Hadley and Willimanset falls,	seventy cents	fifty cents
For ascending or descending the Willimanset falls only, if by the canal	twenty cents	Fifteen cents
For ascending or descending the canal at Schoolmeadow,	ten cents	Five cents
For ascending or descending the locks and canals at Millers falls,	seventy cents	Sixty cents
For ascending or descending the locks and canals near Coopers rocks,	Twenty cents	Ten cents
For ascending or descending the locks and canals near Brattleboro' bridge	Twenty cents	Fifteen cents
For ascending or descending the locks and Canals near Clay's island,	Fifteen cents	Ten cents
For ascending or descending the locks and canals by Bellows falls,	Fifty cents	Thirty-five cents
For ascending or descending the locks and Canals near Gill's island,	Twenty cents	Ten cents
For ascending or descending the locks and canals near Chase's island,	Twenty cents	Ten cents
For ascending or descending the locks and canals by Water Queechy falls,	Twenty-five cents	Twenty cents
For ascending or descending the locks and canals by white river falls,	Fifty cents	Twenty five cents
For ascending or descending the locks and canals near Flag island	Twenty cents	Ten cents
For ascending or descending the locks and canals near Johnson's rocks	Twenty cents	Ten cents
For ascending or descending the locks and canals near Wells river	Twenty cents	Ten cents
For ascending or descending the locks and canals by Dodge's falls	Fifteen cents	Ten cents

On every boat or other vessel descending by Enfield falls, if in the Canal, a sum not exceeding two dollars; on every boat or other vessel passing in either of said canals, and used chiefly for conveyance of passengers, a toll not exceeding that allowed for the passing of four tons of lading through the same; every empty boat or vessel, or one having less than two tons of lading, to be accounted and to pay toll, as having two tons thereof: Provided, that the tolls above allowed to be taken and collected for passing any locks, canals or other works, at or by either of said places, shall not be in addition to, but in lieu of any tolls allowed by existing grants from either of said States.—And that said navigation may be improved, and the said Company enabled to render the same as beneficial to the public as may be, it is further enacted, that whenever said company, by any canal or canals which they shall construct and unite with said river, with the consent and approbation, in writing, of the Commissioners, or a majority of them, of the State or States, in which the same shall be located, respectively, shall furnish a route for the easy passage of boats and other floats, of the dimensions aforesaid, with not less than three feet in depth of water in such canal, and which shall be not less than two miles shorter than to pass in and follow the ordinary boat channel in the river, said Company, in addition to the tolls before specified and allowed, may demand and collect, for the passage of boats and other property, in and through such canal, so constructed by said company, further tolls, at a rate not exceeding two cents per mile for each ton weight transported through the same, and only for so many miles the length of passage shall be diminished, by passing through said canal, instead of using the river, as heretofore. Provided, that nothing shall be demanded on account of the diminished length of the passage, by way of such canal, except where the passage by way of the river shall be made or kept open as heretofore, for the passage of boats and other floats. Said company may, from time to time, reserve and set apart a portion of their nett profits, until the same shall amount to fifty thousand dollars, which may be kept good as a fund to pay for any extraordinary losses or damages to their works for improving said navigation; and whenever the nett profits of said company, besides said fund, and over and above their annual repairs and expences, under this act, shall have made good to said company an amount equal to ten per cent. per annum on their capital stock, from time to time invested in said improvements, said company shall not, thereafter, divide, nor the proprietors receive more from said tolls, than will make good an annual dividend of ten percent. so long as the full rates of toll before specified shall be collected; but if said company shall and do, for any one or more years, make a reduction from the amount of tolls allowed to be taken, as aforesaid, notice whereof to be seasonably given in one newspaper printed in each of

said States, for every ten per cent. which said specified tolls shall be reduced, and notice thereof given as aforesaid, said company shall be allowed to divide, for such year or years, one per cent. per annum, in addition to said ten per cent. dividend, and in like manner and proportion for any reduction of said toll, greater or less than ten per cent; and whenever the average annual profits of any two years in succession, above the expences and repairs of said years, shall be equal to fifteen per cent. on the amount of capital stock, then it shall be the duty of said commissioners of said States, or a majority of them, to regulate said tolls, so that the annual profits of said company, above repairs and expences, shall be, as nearly as may be, ten per cent. per annum, on the amount of capital stock, and for this purpose shall enquire into and examine their receipts and expenditures as often as shall be deemed necessary.

Section 16. It is hereby further enacted, That it shall be the duty of said corporation to construct all and each of their locks, canals and other works, and to improve all and each of the existing locks and canals, which shall be purchased or acquired by them, so as to afford a depth of water in and through said locks and canals of not less than three feet, during ordinary low water in the summer, and so wide and of such depth that boats of the dimensions aforesaid may be able to pass conveniently through said locks and canals, and also to pass by each other, in equal depth of water, in such convenient places in said canals as shall be designated or approved by said commissioners, or a major part of them, and to afford at least an equal channel depth and width in the river, from the termination of each of said Canals, constructed or acquired by said Connecticut River Company, to the commencement of the next canal below the same, and an equal width and depth of water in and from the end of the canal; which shall be constructed by said Enfield falls to the city of Hartford in Connecticut, aforesaid. And in case any dam, canal, lock or other work of said company, shall at any time be injured or out of repair, by reason of freshets ice, or natural decay, or otherwise shall be deficient, so as not to afford, during ordinary low water in the summer, the channel depth of water aforesaid, for the convenient passing of boats and other floats of the dimensions aforesaid, either in or through such lock or locks, or canal, or in and through said river, between the end of any canal of said company, and the beginning of the canal next below the same or below the canal, which shall pass by said Enfield falls, and thence to said city of Hartford, said company shall, with all reasonable diligence and dispatch, with the approbation and consent of the commissioners of the State in which such deficiency exists, construct, improve, or repair such lock or locks, canal or other works, as shall afford the aforesaid depth and width of navigable water, whenever the same is or shall be deficient, as aforesaid; and in case the said company shall be guilty of neglect,

in regard to any of the provisions of this section, the said commissioners, in the first section of this act mentioned, or a majority of them, may reduce or prohibit the taking of the tolls herein before specified, in whole or in part, at any lock or canal, where such neglect and deficiency of water exist, and if by neglect of repairs, or other proper improvements, such deficiency of water shall be in the navigable depth and width of channel in the river, between any two of said company's canals, as aforesaid, then said commissioners may reduce or prohibit the taking of the toll before specified, in whole or in part, as shall seem reasonable, at the canal and locks next below where such neglect and deficiency of water exist in the river as aforesaid: and if such neglect and deficiency of water shall be found at or below the termination of the canal, which may pass by said Enfield falls, so that the depth and dimensions of navigable water, aforesaid, shall not continue, without interruption, from said falls to said city of Hartford, then said commissioners, or a majority of them, may reduce, or, altogether prohibit, the taking of tolls for passing in or through the locks or canal, by said Enfield falls, and thence to said city of Hartford. And whereas, in prosecuting the objects, in this act mentioned, great expense must, necessarily be incurred, and it will be important to said company, and of great publick utility, that a sufficient depth of water may be had, at all times, for the convenient passing of boats and other floats, drawing three feet of water, in all parts of said locks and canals, and of the river below the same, respectively, to the next locks and canals, and from Enfield falls aforesaid, to said city of Hartford, it is hereby further enacted, that no person or persons, body politic or corporate, shall divert, turn off, or out of said Connecticut river, any of the waters thereof, so as to effect any of the works or operations of said company for improving the navigation, as aforesaid, or diminish, hinder, or obstruct, the convenient and safe navigation of said locks and canals, and said river, or any part thereof, between the same canals, as aforesaid, by boats and other craft, drawing three feet of water, at any season of the year, or so as to prevent a sufficient quantity of water from running into, through, or out of any of the Channels, gates, locks or canals of said company, nor without the consent of said company, erect any dam, or place any obstructions in, or upon, said river, so as to hinder, or in any manner delay, or obstruct the safe and convenient passing of boats or other craft, drawing three feet of water, as aforesaid, passing up and down said river and canals, or either of them, or to increase or diminish the quantity of water, flowing into, through, or out of any channel, locks, sluiceway, canal, or other work of said company, for improving the navigation as aforesaid.

Section 17. It is hereby further enacted, That if upon further examination and surveys, it shall appear that the public good will be

promoted by changing the location of either of the works contemplated, at or near the places specified in the fifteenth section of this act, or by substituting, constructing or improving canals, locks, or other works, at some different place, on or near said river, to answer the objects and requirements of this act, in regard to any of the works specified in said section, it shall be lawful for said company, with the consent and approbation, in writing, of the Commissioners, or a major part thereof, of any State or States wherein such a change of location, substitution or improvement, as aforesaid, shall be deemed best, to make the same accordingly, and to collect tolls, at such substituted work, new location, or other improvement as if they were expressly named and granted in this act

Provided, That the amount, collectable hereby, at such new location, or substituted work or improvement, shall not exceed the sum or sums, which would have been collectable, if no such change of location, substitution, or other such improvement, had been made.

Section 18. It is hereby further enacted, That as it may happen that said locks, canals, or other works, constructed to improve said navigation, may be injured by freshets or other unforeseen accidents, whereby the navigation may be interrupted, and lands adjacent thereto may be exposed to damage; therefore, for a speedy reparation of such injury whenever and so often as such case shall happen, it shall be lawful for said corporation, by their agents, engineers, or workmen, with teams, waggons, carts, and other carriages, to enter upon any lands contiguous to said canals or other works, so injured, and to dig for, get and carry away, and use all such stone, gravel, clay and earth as may be necessary and proper for such reparations, doing as little damage as the nature of the case will permit; and in case damages shall be claimed by the owner or owners of any land, entered upon as aforesaid, the same shall be assessed by the commissioners, in the same way and manner, as heretofore in this act is pointed out. And all persons aggrieved by the decision of the Commissioners shall have an appeal, as in this act is provided.

Section 19. It is hereby further enacted, That if any person or persons shall, wantonly or unnecessarily, open, or shut, or cause to be opened or shut, any lock, gate, or any paddle, or culvert gate thereof, or any waste gate, or drive any nails, spikes, pins, or wedges, into either of the said gates, or take any other mode of preventing the free use of said gates, or shall, wantonly or maliciously, take any other method of preventing the free use of such gate or gates, or shall, wantonly or maliciously break, throw down, or damnify any waste weir, dam, culvert, aqueduct, bank, or other work, erected for the improvement, or convenient use of said navigation, or shall, maliciously or wantonly, obstruct the navigation of said river or canals, by sinking therein any vessel, timber, stone,

earth, or other things or by placing any obstruction on, or across the same, such person or persons shall for every such offence, forfeit and pay to said corporation, the sum of thirty five dollars, together with double damages, to be recovered in any court proper to determine the same.

Section 20. It is hereby further enacted, That no person shall construct any wharf, basin, or watering-place on, or make and apply any device whatever for the purpose of taking water from either of said canals, without first obtaining therefor, the consent of said company in writing; and such person or persons, thus doing, shall forfeit and pay to said company the sum of thirty five dollars, together with double damages, to be recovered as aforesaid; and said company may remove, or fill up such basin, wharf, watering place, or other device aforesaid.

Section 21. It is hereby further enacted, That if any person, or persons, shall willingly, wilfully, and by design, break throw down, dig up, undermine, or in any manner destroy any lock, lock gate, waste weir, culvert, aqueduct, towing path, embankment, pier, or other work, constructed, acquired, or maintained by said company, for the improvement of said navigation, each and every person offending therein, in manner aforesaid, and each and every person so aiding, or assisting, therein, on conviction thereof, before any Court, proper to hear and determine the same, shall be liable and subject, to a fine not exceeding five hundred dollars, at the discretion of said court, according to the aggravation of the offence, and to costs of prosecution, and shall be prosecuted by indictment, information, or otherwise, according to the laws or usages of the state, wherein such offence shall be done, or committed: and such fine and costs, when collected, shall be paid into the Treasury of the State where such conviction shall be had, or otherwise disposed of, as the laws of said State shall from time to time, direct.

Section 22. It is hereby further enacted, That said corporation shall build, and keep in good repair, suitable bridges over any and every canal, by them constructed, or acquired, and improved, as aforesaid, whenever such canal shall cross any public highway; and all bridges, for the accommodation of the public travel, or of any individual, shall be of such dimensions and height, as the Commissioners of the State in which the same shall be, or the major part of them, shall determine, and in writing direct; and may build toll houses at such places, as said Commissioners of the State in which the same may be, or the major part of them shall approve and permit; and shall at all times, during the day, keep and have suitable, or a suitable person, or persons, to attend their locks, so that those passing said locks with their boats, floats, or other property, having paid their lawful tolls, shall not be unnecessarily nor unreasonably detained in their passage.

Section 23. It is hereby further enacted, That no person shall lead, drive, or ride any horse, mule, or other beast, or cattle, or suffer any hog to run at large, on any towing path of said company, constructed as aforesaid, nor on any bank of either of their canals, opposite to such towing path, except for the purpose of towing boats, or other floating things, on said canals or river, or for the conveyance of articles to the same for transportation, or delivery thence, of articles, which have been so transported, on pain of forfeiting a sum not exceeding ten dollars to said corporation, for each offence to be by them recovered before any Court of competent Jurisdiction.

Section 24. It is hereby further enacted, That the shares or stock of any proprietor, or stockholder, in said company, shall be liable to attachment and execution within the State, where such proprietor, or stockholder, shall reside, and be inhabiting, at the time of such attachment being made, or in case of no attachment being so made, in the state, where he shall reside, when execution shall be levied thereon, as in case of other personal estate.

Provided, That the officer serving or levying, any such attachment, execution, or other process, whereby to take, hold, or create a lien upon the shares, or stock, or any part thereof, of any such proprietor, or stockholder, shall leave with a director, or clerk, of said company, if there be such inhabiting within said State, or at his usual place of abode therein, an attested copy of the writ of attachment, or execution, or other process for taking, holding, or creating a lien upon such shares, or stock; and whenever any such stock, or shares, shall be sold, by virtue of any writ of execution, said officer shall leave with such director, or clerk, or at his usual place of abode, a certificate, under his hand, stating the number of shares, by him sold, and to whom sold, under said writ of execution; and such purchaser thereof shall, thereupon, become a stockholder in said company, entitled to all the rights, and privileges, and subject to all the duties, and liabilities of the debtor, or debtors in said writ of execution, in regard to the stock so purchased. And any writ, or process, against said company shall, in like manner, be served by the officer leaving an attested copy thereof with a director, or clerk, of said company, inhabiting in the State, within which such writ or process, is returnable, or at his usual place of abode.

Section 25. It is hereby further enacted, That a general meeting of the stockholders shall be called by the directors of said Company, whenever the owners or proprietors, of one fifth part, in value, of said stock, shall, by writing, request the same to be done, and such meeting may be called by the directors, whenever they deem it necessary, notice whereof shall be given by publication, in at least, one newspaper, printed in each of said States, and such other notice as the by laws of said company shall prescribe, at least twenty

days previous to said meeting. And in case it shall happen that said company shall omit to hold any annual meeting, or meetings, for the purpose of choosing officers, said company shall not, by such omission, be dissolved, but said company may, at any time, reorganize, by the appointment of their necessary officers, who shall have, and exercise the same powers, as though they had been appointed at the annual meeting. *Provided*, That if said company shall refuse, or neglect, for the space of five years next, after their organization, to construct the requisite works, as aforesaid, and to extend and complete the improvements of the navigation accordingly, from said city of Hartford as far up as Brattleborough, in the State of Vermont, then the rights, powers, and privileges, hereby granted, to construct canals, locks, and other works, above the said town of Brattleborough, and also at those places between said Hartford city and said Brattleborough, where such locks canals, and other works, shall not have been so constructed, improved and completed, within the time aforesaid, shall cease and determine. And in case such requisite canals, locks, and other works, for the improvement of said navigation, as aforesaid, from said Hartford to Brattleborough, and each of them shall be constructed improved, and completed, within said term of five years, and said company shall refuse, or neglect, for the space of four years, next thereafter, to construct improve, and complete the works requisite for improving the navigation as aforesaid, from said Brattleborough upward to Barnet, in said Vermont, or any part of such works, then all their right title, and interest, under this act, to make such canals, locks, and other works above Brattleborough, or such part thereof as said company shall so have neglected to construct, improve, and complete, as aforesaid, shall cease and determine.

Section 26. It is hereby further enacted, That this act shall be taken and deemed to be a publick act, to all intents and purposes.

Now therefore,

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said act of the General Assembly of the State of Vermont be and the same is hereby assented to and confirmed, subject however to the following limitations, conditions provisions and restrictions viz.

1. The Commissioners to be appointed in this State shall be commissioned by the Governor and Council for the term of three years unless sooner removed, and shall be liable to be removed at the pleasure of the Governor and Council, and shall receive such reasonable compensation for their services, as shall from time to time be prescribed by the Justices of the Superior Court of Judicature

2. The said Connecticut river Company shall not within this State own use or employ in the trade on said River any boats other than steam boats, and the Directors of said Company shall not

make regulations respecting the passage of boats and other floats upon the waters of said river and Canals within this State, except with the Consent and approbation of a majority of the Commissioners thereof.

3. The Commissioners of this State shall not decide that said Corporation may enter upon and take the land of any individual for the purposes mentioned in said act, until notice shall be given to the owner of such land, if known, or to his or her agent or attorney, husband or guardian of the time and place at which the parties interested will be heard thereon; and in case the owner of such land is not known, such notice of the time and place shall be given as shall seem reasonable to said commissioners.

4. If the property of any person within this State shall in any way be injured by the construction or continuance of the works of said Company, and the parties cannot agree upon the amount of such injury, the Commissioners of this State or a majority of them, on application, shall have power to assess and liquidate the damages, in the same way and manner as is provided in the eighth section of said act, where property shall be taken, used or occupied by said Company; and the said Commissioners, on application shall assess the whole amount of damages for the injury complained of, and the property so injured and appraised, if not necessary to be taken by said company, shall continue to belong to the former owner, subject to the incumbrance or injury for which damages are assessed as aforesaid, and the decision of said commissioners as to the damages occasioned by such injury, shall be subject to revision on appeal and trial by Jury, in the same way and manner as is provided in the ninth section of said act. And in all cases where damages shall be assessed in this State pursuant to said eighth section; if said Company shall neglect to pay or tender to the person or persons to whom such damages shall be awarded or to the Guardian, husband, agent or attorney of such person the amount of such damages within sixty days after such award shall be made, except an appeal be entered, and in that case within thirty days after Judgment is entered all right of said Company to such property then appraised shall forever cease unless they shall purchase the same of the owner.

5. When actual notice is not given to the owner of the assessment of damages for land lying within this State, taken, used, occupied or injured by said company, a further term of ninety days, in addition to the thirty days mentioned in the ninth section of said act, shall be allowed, in which such owner may appeal.

6. The said Connecticut River Company shall not increase their capital stock beyond two millions of dollars without the permission of the legislature of this State.

7. No by-law with a penalty annexed to operate in this State shall be made in pursuance of the thirteenth section of said act.

unless the same shall be approved by a majority of the Commissioners within the same.

8. If any citizen of this State shall be unnecessarily or unreasonably delayed, molested, injured or damnified in his person or property, other than real estate not within this State, by the wilful misconduct or negligence of said company, or their agents or servants, or by any unreasonable neglect or delay of said company, their agents or servants, in repairing or keeping in repair any of their works, such citizen may have his remedy at law therefor in the courts of this State, whether the act or default whereby such cause of action may arise be committed within or without the State, and said Company shall always be responsible to this State, for all their acts or defaults within the same, as fully as if their powers were holden under the sole grant of the Legislature thereof.

9. A meeting of the commissioners for the purpose of regulating, reducing, or prohibiting the taking of tolls by said company, in pursuance of the fifteenth and sixteenth sections of said act, shall be had whenever a majority of the commissioners in this State shall require the company to notify, or shall themselves notify such meeting: which meeting shall be notified in the manner and held at the time and place prescribed by the commissioners calling the same, giving, however, to the company, and also to the other commissioners, at least fifteen day's notice thereof, and so many of the commissioners as shall meet at such time and place, shall constitute a board for the transaction of business.

10. Any company incorporated by the Legislature of this State for the purpose of constructing a Canal from any seaport in this State, or from any part of the interior thereof, to unite with Connecticut river shall have a right to use the waters of the river for the purpose of feeding such Canal, in such manner as may be authorized in their grant on application to said commissioners of this State, and paying to said Connecticut river company the expenses of any alterations which shall become necessary in the works of said Connecticut river Company by reason of such grant and use of the waters, the amount of which expenses shall be ascertained and assessed by said commissioners or a majority of them, and the decision of the Commissioners assessing the sum so to be paid shall be subject to revision on appeal and trial by jury in the same manner as is provided in the ninth section of the said act hereby confirmed, in regard to assessment of damages against said Connecticut River Company:

Provided however, that no waters of said river shall be so taken, which are necessary to the navigation thereof as provided and allowed in the act hereby confirmed.

Provided further, that nothing herein contained, shall be construed or taken to alter or impair the rights of any Incorporation heretofore granted in this State.

11. It shall not be lawful for said Connecticut River Company to enter upon any lands in this State for the purposes mentioned in the eighteenth section of said act unless said company shall have previously obtained the permission of at least one of the commissioners in this State, designating the particular lands which may be entered by said Company for the purposes aforesaid.

12. Said Corporation shall build and keep in repair all bridges over their canals, in this State; which may be rendered necessary by the laying out of any new highway or road, and such other bridges over and across their said canals for the accommodation of persons owning land contiguous thereto, at such places and of such dimensions, as the commissioners of this State or a majority of them shall by writing order and direct.

13. All vacancies occurring in the board of directors shall be filled in such manner as always to secure one of said directors to this State; and in case there shall at any time be no director or clerk, inhabiting within this State, or having any usual place of abode therein, any writ or other process against said company may be served by leaving an attested copy thereof with any one of the Commissioners in this State, and an attested copy of any writ, execution or other process for taking holding or creating a lien upon the shares or stock of any stockholder inhabiting within this State may in like manner in such case be left with a Commissioner, instead of a director or clerk.

14. Nothing in said act contained shall be so construed as to restrain the Legislature of this State from establishing ferries or authorizing and causing to be erected bridges across said river at such suitable places as they may deem expedient.

15. The said Connecticut river Company shall organize under said Charter, within five years from the passage of this act, otherwise this act of confirmation shall be void and of no effect.

16. After the expiration of one hundred and fifty years from the passage of this act, the legislature of this State shall have full power and authority to amend or modify the same, and the powers and privileges therein granted, or which said Company may acquire pursuant to the provisions thereof.

Section 2. And be it further enacted, That the Commissioners appointed under the act aforesaid, and the said Connecticut River Company, shall have, within this State all the rights, powers, and privileges, specified in said act, in the manner therein provided, except so far as the provisions of the same are restrained, modified and controlled, by the limitations, conditions, provisions and restrictions aforesaid.

Section 3. And be it further enacted that the property of said Corporation within this State shall be liable to taxation, to be assessed and collected at the rate and in the same way and manner as the property of other canal Corporations in this State shall from

time to time by law be taxed. Provided however, that said property shall be and hereby is exempted from taxation for the term of twenty years, in case the nett income thereof shall not amount to six per cent per annum on the monies expended during said term: and all parts of said act, inconsistent, with the said conditions, limitations, provisions and restrictions, in this act of confirmation contained, shall have no force or effect in this State

[CHAPTER 63.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE GILMANTON MECHANICK'S COMPANY

[Approved July 7, 1826. Original Acts, vol. 29, p. 137; recorded Acts, vol. 23, p. 302.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Asa Hanson, Joseph B Elliott, John Gunnison and their associates and successors are hereby made a corporation by the name of the Gilmanton Mechanick's Company, and are authorized in their corporate capacity to acquire and hold real and personal estate not exceeding in value five thousand dollars as a capital stock, and are invested with all the powers and privileges and subject to all the duties and liabilities of corporations of a similar nature

Section 2. And be it further enacted, that said corporation may erect and construct all mills, dams, works or machines which may facilitate or appertain to the business of Turning, grinding bark for tanneries, silver plating or any other lawful mechanical pursuit which said corporation may see fit to adopt

Section 3^d And be it further enacted, that said capital Stock shall be divided into one hundred shares, and each share shall be entitled to one vote provided however that absent members may vote by their agents duly authorized in writing for that purpose

Section 4 And be it further enacted, that no assessment shall be made upon any member of said corporation, or upon his or their share or shares therein, except by a vote of at least three fourths of the shares of said capital stock in said corporation; and for the transaction of all other business a majority of the shares shall constitute a quorum.

Section 5 And be it further enacted—that Asa Hanson, may call the first meeting of said corporation, by posting up advertisements of the time, place and object thereof in two public places in said Gilmanton, at least ten days prior to said meeting

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE HAMPTON
 READING ROOM AND SOCIAL LIBRARY

[Approved July 7, 1826. Original Acts, vol. 29, p. 138; recorded Acts, vol. 23, p. 303.]

Section 1 Be it enacted by the Senate and House of Representatives in General court Convened, that Edmund Toppan, Thomas Leavitt, Junior, and John M. Seaward, their associates and successors, are hereby made a body corporate by the name of the proprietors of the Hampton reading room and Social Library; and are hereby vested with all the powers and privileges, and subjected to all the liabilities incident to Corporations of a similar nature.

Section 2. And be it further enacted, that Thomas Leavitt Junior or John M. Seaward, may call the first meeting of the said proprietors, by posting up at the Congregational meeting house in Hampton a notice of the time, place and purpose of said meeting, on three Sabbaths in Succession—

[CHAPTER 65.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT CONCERNING
 THE NAVIGATION OF ASHUELOT RIVER

[Approved July 7, 1826. Original Acts, vol. 29, p. 139; recorded Acts, vol. 23, p. 304. The act referred to is dated June 24, 1819, Laws of New Hampshire, vol. 8, p. 788.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened: that James Wilson Jr. proprietor and assignee of Lewis Page the grantee in an act to which this is an addition, and such as may associate with the said James Wilson Jr. be and they are hereby made a body politic and corporate by the name of the Ashuelot navigation company" and by that name may sue and be sued prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the privileges and powers and subjected to all the liabilities which by law are incident to corporations of a similar nature

Section 2. And be it further enacted that for the purpose of supplying and maintaining a constant navigation (as is contemplated by the act to which this in addition) upon said river or in any canal or canals which may be constructed for that purpose the proprietor or proprietors are hereby authorized to take and use any water of and from said river or any pond or ponds, rivers and other water courses as the same may be convenient and necessary, and to make in any part of said river or canal, and at the extremities thereof all such locks, flood gates, docks, embankments, basins, piers, wharves and other works as may be necessary and convenient for the purposes of the act to which this is an addition, compensation being made to those injured thereby, in such way and manner as is prescribed in said act.

Section 3. And be it further enacted that said proprietor or proprietors may acquire by purchase and may use, occupy, hold in shares or otherwise dispose of, any water power or mill privileges which may be obtained from, or created by any of the Locks, or slips erected by said proprietor or proprietors and may erect such works and buildings as may be found necessary for the profitable management of said property to the amount of two hundred thousand dollars and no more

Section 4. And be it further enacted that said proprietor or proprietors may hold such real estate as may be necessary and convenient for the purposes of this act, and the act to which this is an addition not exceeding five hundred thousand dollars and the same may sell and dispose of at pleasure

Section 5. And be it further enacted—that the time allowed for making said river navigable by the act to which this is in addition be extended to the term of ten years from the passing of this act, at the expiration of which time, this act and the act to which this is in addition shall cease and become inoperative, if within said term of ten years the said proprietor or proprietors shall not make the said river navigable for boats of ten tons burthen at suitable rise of water throughout the distance contemplated by the act to which this is in addition

[CHAPTER 66.]

State of }
New Hampshire. }

AN ACT FOR THE REGULATION AND GOVERNMENT OF SCHOOLS IN
 THE TOWN OF PORTSMOUTH—

[Approved July 7, 1826. Original Acts, vol. 29, p. 140; recorded Acts, vol. 23, p. 306. Session Laws, 1826, Chap. 66. Laws, 1830 ed., p. 437. See acts of December 22, 1808, Laws of New Hampshire, vol. 7, p. 771; June 27, 1818, id., vol. 8, p. 722; July 6, 1827, *post*; July 4, 1829, Session Laws, 1829, Chap. 77; June 24, 1835, id., 1835, Chap. 208; January 13, 1837, id., 1836, November session, Chap. 311; July 4, 1837, id., 1837, Chap. 344, and June 28, 1841, id., 1841, Chap. 616. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the inhabitants of the town of Portsmouth are hereby empowered and required at their annual town meetings for the choice of town officers, to raise such sum or sums of money as may be necessary for the erecting building repairing purchasing or hiring such School-Houses as may be necessary for the accommodation of the Schools in said town, and of necessary utensils for the same, and the Selectmen of said town are hereby empowered and required to assess annually the inhabitants of said town according to their polls and ratable estates together with the unimproved lands and buildings of nonresidents such sum or sums or money as may from time to time be raised by vote of the inhabitants of said town for the aforesaid purposes, which sums, when collected, shall be appropriated by said Selectmen for the building, repairing, purchasing or hiring such school houses as they may deem necessary or as said inhabitants may from time to time direct—

Section 2. And be it further enacted that the sum now required by law to be raised for the support of Schools in conformity to an act passed June 27th 1818. entitled “an act in addition to an act entitled an act for the better regulation of Schools and for repealing certain laws now in force respecting the same” or any sums that may hereafter be required to be raised by any subsequent law, for that purpose, shall together with such other sums as the inhabitants of said town may vote in regular town meeting to be raised for such purpose be paid over by the Selectmen, to the School committee chosen by the inhabitants of said town in the manner herein after prescribed to be by them laid out and expended in the manner prescribed in the third section of this act—

Section 3. And be it further enacted that the inhabitants of said Portsmouth are hereby empowered and required to choose by ballot three or more suitable persons respectable freeholders in said town,

who shall be sworn to the faithful discharge of their trust, whose duty it shall be to receive the monies of said selectmen raised and assessed agreeably to the provisions of the second section of this act, giving their receipt therefor, and appropriate the same to the sole purpose of keeping such English Schools as may be necessary, or as the inhabitants of said town may direct for teaching the various sounds and powers of the letters in the English language, reading, writing, English Grammar, Arithmetic, Geography, and such other branches of education as may be necessary to be taught in an English School including the purchase of necessary wood or other fuel for such Schools, and it shall be the duty of such committee to visit and inspect said schools semiannually and at such times as may be most convenient for the parties concerned and in a manner which they may judge most conducive to the progress of literature morality and religion: And said committee are further empowered to appoint such Schoolmasters and Schoolmistresses as may be necessary and for such term of time as they may think proper, whose qualifications shall be the same as are pointed out in the second section of the act for the better regulation of schools, passed December 22^d 1808. And said Committee may direct the mode of instruction designate the books to be used in the schools and make general rules for their government.—

Section 4. And be it further enacted, that if the Selectmen of said town neglect or refuse to raise and seasonably collect and appropriate or pay over to said committee, as the case may be, the sums required to be raised by the first and second sections of this act; such selectmen shall be liable to the same forfeitures as are provided in the fourth section of an act for the better regulation of schools passed December 22^d 1808. and said school committee shall be subject to the same liabilities on their part for the malappropriation of any monies raised and collected for such purpose and paid over by said Selectmen to said School committee—

Section 5 And be it further enacted that the sums, raised and assessed by virtue of the first and second sections of this act shall be collected in the manner prescribed by law for the collection of other taxes for the current expences of said town—

Section 6th And be it further enacted that this act shall not take effect untill the inhabitants of said town at their annual meeting for town officers in March next or at some other legal meeting held expressly for that purpose shall adopt the same by vote of a majority of the legal voters present—

[CHAPTER 67.]

State of }
New Hampshire. }

AN ACT TO SECURE TO OWNERS THEIR PROPERTY IN LOGS, MASTS, SPARS AND OTHER TIMBER IN SACO AND OSSISPEE RIVERS IN CERTAIN CASES.

[Approved July 7, 1826. Original Acts, vol. 29, p. 141; recorded Acts, vol. 23, p. 309. Session Laws, 1826, Chap. 67. Laws, 1830 ed., p. 440. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened—that if any person shall take and carry away or otherwise convert to his own use without the consent of the owner any log suitable to be sawed or cut into boards, clap-boards, shingles, joist or other lumber, or any mast, spar, or other timber the property of another, whether the owner or owners thereof be known or unknown, lying or being in Saco or Ossipee rivers or their tributary streams, within the County of Strafford in this State; or if any person shall cut out, alter, or destroy any mark or marks of any owner or owners made on any such log, mast, spar or other timber whether the owner of such timber be known or unknown, the person or persons so offending shall forfeit and pay to the use of the State a fine not less than twenty five dollars nor more than fifty dollars for each and every such log, mast, spar or other piece of timber, so taken, carried away or converted, or upon which the mark or marks so made shall have been cut out, altered, or destroyed as aforesaid, to be recovered by indictment before any court of competent jurisdiction together with costs of prosecution.

Section 2. And be it further enacted that all logs, masts, spars, or other pieces of timber carried by freshets or otherwise lodged upon any lands adjoining said Saco or Ossipee rivers or their tributary streams within the County of Strafford shall be forfeited to and become the property of the owner or occupier of the lands so incumbered after the expiration of two years from the time the same may have been carried or lodged upon said lands

Section 3. And be it further enacted that the owner or owners of such logs or other timber mentioned in the second section of this act may lawfully enter on said land and remove said timber therefrom at any time within two years from the time the same may have lodged on said lands, on paying or tendering to the owner or occupier of said lands so incumbered with logs or other timber a reasonable compensation for the damages which the owner or occupier may have sustained by the lodgment and continuance of such

logs or other timber on his lands as aforesaid and may sustain by removing the same therefrom.

Section 4 And be it further enacted that whenever the owner or owners of such timber as is mentioned in this act shall remove the same from any lands upon which they may have lodged, or shall cause the same to be removed therefrom without having paid or tendered the compensation for damages as in the third section of this act is required the owner or occupier of such land may commence and is hereby authorized to have and maintain an action on the case against the owner or owners of said timber or against the person or persons removing the same to recover compensation for the damages aforesaid with cost of suit; Provided that said action be commenced within one year from the time said timber shall be removed from said land

[CHAPTER 68.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE LAFAYETTE MANUFACTURING COMPANY.

[Approved July 7, 1826. Original Acts, vol. 29, p. 142; recorded Acts, vol. 23, p. 311. A company by the same name was incorporated in Claremont, June 27, 1835. See Session Laws, 1835, Private Acts, Chap. 38.]

Section 1. Be it enacted by the Senate and House of Representatives; in General Court convened; that Frederick De-Grand, Peter Dupont, William Whittemore, Paul Cragin, junior, Mark Bailey, John Carlin, and their associates and successors be, and they hereby are made a body politick forever by the name of the Lafayette Manufacturing Company; and in that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges, which by law are incident to corporations of a similar nature; and also may have and use a common seal, which they may break, alter or renew at pleasure

Section 2. And be it further enacted; that the said Corporation be, and the same hereby is, authorized and empowered to carry on the manufacture of cotton, woollen and other goods, and such other branches of trade and manufacture, as may be usefully carried on by said Corporation on the Contocook River in Greenfield—in the County of Hillsborough, and Society Land and Hancock in said County or either of them and may erect such mills, dams, works, machines and buildings as may be necessary for carrying on these useful manufactures and branches of business.

Section 3. And be it further enacted;—that the said Corporation be and the same is hereby authorized to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate as may be necessary or useful in conducting the business of said Corporation, and the same to sell, convey, and dispose of at pleasure, provided the estate held by said Corporation shall not at any time exceed three hundred thousand dollars. And the said capital or joint stock may be divided into as many shares as the proprietors, at any legal meeting shall agree and decide; and in like manner the proprietors may agree on the manner of transferring them; and may elect an agent or agents and such other officers and servants as may be deemed necessary, and prescribe their respective duties; may order assessments and fix the time of their payment; may limit the amount which said assessment shall not exceed without the consent of all the proprietors; may pass by-laws for their regulation and government, and may do and transact any other business in relation to the concerns and for the benefit of said Corporation. All elections, and all other questions, if required shall be determined by a majority of votes present or represented at any meeting, accounting and allowing one vote to each share in all cases, and all representations shall be in writing, signed by the person represented and filed with the Clerk.

Section 4 And be it further enacted; that the shares in said Corporation shall be liable and holden for all assessments legally made thereon, and upon the non-payment of such assessments or any part thereof within the time fixed for their payment, the Treasurer may proceed in the manner prescribed in the by-laws of said Corporation to advertise and sell at publick auction, such delinquent shares, or so many of them as may be necessary to pay the sums due thereon with incidental charges.

Section 5. And be it further enacted, that the said William Whittemore, Paul Cragin, junior, and Frederick DeGrand or either two of them may call the first meeting of the members of said Corporation, to be holden at any suitable time and place, by publishing a notice thereof in the New Hampshire Patriot, printed at Concord, in the County of Merrimack, at least twenty days before said meeting, or by giving to said members personal notice thereof, at least fifteen days prior thereto.

[CHAPTER 69.]

State of)
New Hampshire.)

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CONFIRM AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF VERMONT ENTITLED "AN ACT TO PROVIDE FOR IMPROVING THE NAVIGATION IN THE VALLEY OF CONNECTICUT RIVER."

[Approved July 7, 1826. Original Acts, vol. 29, p. 143; recorded Acts, vol. 23, p. 313. Session Laws, 1826, Chap. 69. See act referred to, of same date, *ante*, p. 540. See also act of December 13, 1824, *ante*, p. 310.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the following words be added to the second proviso annexed to the restriction qualification or condition numbered ten, in said act of confirmation, viz: "*without the consent of such incorporation, by their corporate act;*" and that said words be taken to be part of said second proviso, so that the same shall read as follows, viz, Provided further that nothing herein contained shall be construed or taken to alter the rights of any incorporation heretofore granted in this state, without the consent of such incorporation, by their corporate Act."

[CHAPTER 70.]

State of)
New Hampshire.)

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT ESTABLISHING AN EQUITABLE METHOD OF MAKING TAXES, AND FOR ASCERTAINING THE POWERS OF SELECTMEN," PASSED FEBRUARY 8, 1791.

[Approved July 7, 1826. Original Acts, vol. 29, p. 144; recorded Acts, vol. 23, p. 314. Session Laws, 1826, Chap. 70. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 603. Repealed by act of July 7, 1827, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that all stallions or stud-horses, and all other horses or mares, all jacks or mules, all oxen, cows, or other neat stock taxable by law, kept in any town in this state, and all stock in trade employed in any such town, owned by any person or persons not residing in the town where any such property is or may be kept or employed, shall be taxed to the person or persons having the care thereof on the first day of April, in the town where the same may be so kept or employed; the property thus taxed shall be holden for the payment of all taxes duly

assessed thereon; the person or persons having the care of any such property on the first day of April shall give to the selectmen or assessors of any such town a true account thereof, and for neglecting or refusing so to do shall be subject to the same penalties as by law are imposed upon those who neglect or refuse to give such account of their own property; the owner or owners of any such property shall not be taxed therefor in the town where he, she or they may reside, anything in the act to which this is in addition to the contrary notwithstanding. And any person or persons so having the care of any such property, and having been taxed therefor, shall have a right to retain the same until the taxes assessed thereon shall be paid and having paid any tax thereon assessed shall have a claim upon the owner or owners of any such property for the amount of the tax so paid, and may recover the same in an action for money paid in any court of competent jurisdiction.

[CHAPTER 71.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE PROPRIETORS OF HART ISLAND BRIDGE" PASSED JUNE 23. 1818.

[Approved July 7, 1826. Original Acts, vol. 29, p. 145; recorded Acts, vol. 23, p. 315. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 692. See also acts of June 16, 1821, *ante*, p. 8; July 1, 1837, Session Laws, 1837, Private Acts, Chap. 32; June 30, 1841, *id.*, 1841, Private Acts, Chap. 12, and July 3, 1861, *id.*, 1861, Private Acts, Chap. 2563.]

Be it enacted by the Senate and House of Representatives in General Court convened that a further time of two years from the passage of this Act be allowed to the proprietors of Hart Island Bridge to build and complete the Same as is provided by the provisions of the act to which this is in *an* addition

[CHAPTER 72.]

State of }
New Hampshire. }

AN ACT PROVIDING FOR THE PUBLICATION OF THE ACTS AND JOURNALS OF THE LEGISLATURE

[Approved July 7, 1826. Original Acts, vol. 29, p. 146; recorded Acts, vol. 23, p. 316. Session Laws, 1826, Chap. 72. Laws, 1830 ed., p. 441. See acts of June 21, 1820, Laws of New Hampshire, vol. 8, p. 907; November 30, 1820, id., p. 923; July 3, 1829, Session Laws, 1829, Chap. 46; June 27, 1835, id., 1835, Chap. 224, and January 7, 1837, id., 1836, November session, Chap. 310. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened,

That it shall be the duty of the Secretary of State, as soon as may be after the close of every session of the General Court, to cause to be printed in a pamphlet form, and on type & paper corresponding in quality and style of execution with the edition of the Statutes published in 1815; seven hundred Copies of all the publick acts and resolutions with a list of the titles of all acts of a private nature passed at such session, together with a digested index of the contents of each pamphlet.

Section 2. And be it further enacted, that it shall be the duty of the clerks of the Senate, and of the House of Representatives as soon as may be after every session of the General Court, to prepare a copy of their journals respectively for that session with a digested index of the contents thereof, for the press, and to file the same in the office of the Secretary of State; And it shall be the duty of the Secretary to cause six hundred copies of the same to be printed on a type not larger than small pica, and executed in a neat and workmanlike manner, and on paper of the quality heretofore used in printing the Journals.

Section 3. And be it further enacted, that immediately after the close of each session of the General Court, it shall be the duty of the Secretary of State, to give notice in two newspapers printed in Concord, that he will receive proposals for printing the laws and Journals as aforesaid for the space of ten days, and the secretary of state shall contract with the person or persons who will execute the printing of the same on the terms most favourable to the State—The laws to be printed and delivered to the secretary within twenty days, and the Journals within three months after the person or persons so contracted with, shall have been furnished by the Secretary with copies thereof—

Section 4. And be it further enacted, that it shall be the duty of the Secretary upon being furnished with the printed laws and

journals, according to the provisions of this act, to make a certificate thereof to his Excellency the governor, who is authorized to draw on the Treasury for the amount of the contracts respectively.

Section 5. And be it further enacted, That the Secretary shall as soon as may be after he shall have been furnished with the printed laws as aforesaid cause one copy thereof to be transmitted to each person composing the executive and legislative branches of the Government, to the Secretary and treasurer, to each of the clerks of the Senate and House of Representatives, to each judicial officer, and, to each of the clerks of the courts, and registers of Probate, Attorney General, and to each of the Solicitors within the State for the time being, and a copy thereof to the Secretary of each State and territory in the United States, one Copy to each Historical Society in the United States, and to the American antiquarian Society, and one copy thereof to each town in the State.

Section 6. And be it further enacted, That the Secretary shall as soon as may be after he shall have been furnished with the printed Journals as aforesaid cause one copy thereof to be transmitted to each person composing the executive and legislative branches of the government, for the time being, one copy thereof to the Secretary and Treasurer, and to each of the clerks of the Senate and House of Representatives one Copy to the New Hampshire Historical Society, one copy to the American Antiquarian society, and one Copy to each town in this State.

Section 7. And be it further enacted, That it shall be the duty of the Secretary of State to cause the public acts and Resolutions of each Session of the Legislature to be published in each Newspaper in this State, in the same maner, and for the same compensation as is provided in the act passed June 21. 1820 entitled "an act to fix the compensation for publishing the laws of this State in the several News papers to be designated for that purpose, and also in an act in addition to said act passed November 30 1820.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1826, June 22.

A Resolution authorizing the town of Surry to elect a Representative.

Resolved by the Senate and House of Representatives in General Court convened;

That the inhabitants of the town of Surry, in the County of Cheshire, be, and they are hereby authorized to elect and send a Representative to the General Court of this State, until the Legislature shall otherwise order.

[House Journal, 1826, p. 297. Senate Journal, 1826, p. 78. Original Acts, vol. 29, p. 147.]

1826, June 23.

Resolved by the Senate and House of Representatives in General Court Convened.

That the Selectmen of the several towns in the County of Cheshire be, and they hereby are required to insert in their warrant for the Annual meetings in their respective towns in March 1827 the following article viz—To ascertain the opinion of the qualified voters in said town on the following question—

Is it expedient to divide the County of Cheshire? And be it further resolved, that it shall be the duty of the town Clerks of the several towns in said County to make a true record of the state of votes in their respective towns on the foregoing question—and to transmit to the Secretary of State a certified copy thereof on or before the first Wednesday of June 1827.

[House Journal, 1826, p. 245. Senate Journal, 1826, p. 82. Original Acts, vol. 29, p. 147.]

1826, June 23.

A Resolution authorizing the town of Gilsum to elect a Representative.

Resolved by the Senate and House of Representatives in General Court convened, That the inhabitants of the town of Gilsum in the County of Cheshire be and they are hereby authorized to elect and send a Representative to the General Court of this State until the Legislature shall otherwise order.

[Senate Journal, 1826, p. 81. Original Acts, vol. 29, p. 148.]

1826, June 30.

Resolved by the Senate and House of Representatives in General Court convened That

William M. Richardson of Chester

John Porter of Londonderry

Samuel D. Bell of Chester,

Be a Committee to revise the laws of this State relating to towns and town Officers, and report by bill to the Legislature at the next June Session thereof.

And that His Excellency the Governor be requested to notify those Gentlemen of their appointment

[House Journal, 1826, p. 347. Senate Journal, 1826, p. 137. Original Acts, vol. 29, p. 148.]

1826, July 4.

Resolved by the Senate and House of Representatives in General Court convened, That the Treasurer of this State be and hereby is authorized to convey to Dorcas Merrill of Bartlett all the right and title the State of New Hampshire has in and unto a tract of land situate in said Bartlett

and bounded as follows, viz. beginning at an ash tree on the North of Rocky branch so called, by land granted to Silvanus Emery, thence South eighty two degrees east one hundred rods, thence North eight degrees east one hundred and sixty rods, thence north eighty two west one hundred rods thence south eight degrees west one hundred and sixty rods to the bound *began* at containing one hundred acres. To hold the same during the natural life of the said Dorcas Merrill, & then the property to belong to her heirs.

[House Journal, 1826, p. 436. Senate Journal, 1826, p. 157. Original Acts, vol. 29, p. 149.]

1826, July 4.

Resolved by the Senate and House of Representatives in General Court convened—that his Excellency the Governor be requested to order a Commissioner of this State to cooperate with Major Abert U. S. Engineer in the survey of a Canal route to connect the Connecticut and Amersicoggin Rivers, at, or near Northumberland.

And be it further resolved, that his Excellency the Governor, be requested to order the necessary assistants to aid Major Abert, U. S. Engineer, in the survey and estimate of the cost of a canal from Piscatequa River, through the valley of the Cochecho river, to Winnipisseogee Lake, thence by Squam pond to Plymouth, and from thence by the vallies of Bakers river and the Oliverian valley, to Connecticut River. Also from Winnipisseogee Lake, down the valley of the Winnipisseogee river, to the Merrimack.

[House Journal, 1826, p. 457. Senate Journal, 1826, p. 88. Original Acts, vol. 29, p. 150.]

1826, July 5.

Resolved by the Senate and House of Representatives in General Court convened That the Inhabitants of the town of Brookfield in the County of Strafford, be, and they hereby are authorized to send a Representative to the General Court of this State, until the Legislature shall otherwise order

[House Journal, 1826, p. 468. Senate Journal, 1826, p. 188. Original Acts, vol. 29, p. 150.]

1826, July 5.

Resolved by the Senate and House of Representatives in General Court convened. That the Inhabitants of the town of Middleton in the County of Strafford be and they hereby are authorized to send a Representative to the General Court of this State, until the Legislature shall otherwise order

[House Journal, 1826, p. 469. Senate Journal, 1826, p. 187. Original Acts, vol. 29, p. 151.]

1826, July 7.

Be it resolved by the Senate and House of Representatives in General Court convened, that His Excellency the Governor be requested to take into consideration the subject of establishing permanently the Southern and Eastern boundary lines of this State, and that he make such communication thereon to the next Legislature as he may think will best promote the interest of the State.

[House Journal, 1826, p. 553. Senate Journal, 1826, p. 231. Original Acts, vol. 29, p. 151.]

1826, July 7.

Resolved by the Senate and House of Representatives in General Court convened that the Inhabitants of the Town of Hebron in the County of Grafton be and they hereby are authorized to send a Representative to the General Court until the Legislature shall otherwise order—

[House Journal, 1826, p. 583. Senate Journal, 1826, p. 249. Original Acts, vol. 29, p. 152.]

1826, July 8.

Resolved by the Senate and house of Representatives in General Court convened, That His Exelency The Governor be requested to order the Commissioner who may be appointed to Cooperate with the U. S. Engineer to survey a Canal route from Merrimack river in Salisbury Through Salesbury, Andover and Wilmot, by Messers Pond in Newlondon to Sunapee Lake, and from thence down the valley of Sugar river to Connecticut river—

[House Journal, 1826, p. 596. Senate Journal, 1826, p. 163. Original Acts, vol. 29, p. 152.]

1826, July 8.

Resolved by the Senate and House of Representatives in General Court convened, that the sum of five hundred dollars be appropriated for the purpose of carrying into effect a Resolution passed the present Session relative to the survey of Canal routes in this State, and that His Excellency the Governor be authorized and empowered to draw said sum from the Treasury and apply the same or so much thereof as may be necessary, to accomplish the object of the Resolution aforesaid—

[House Journal, 1826, p. 607. Senate Journal, 1826, p. 275. Original Acts, vol. 29, p. 153.]

[THIRTY-SIXTH GENERAL COURT.]

[*Held at Concord, One Session, June 6, 1827, to July 7, 1827.*]

[OFFICERS OF THE GOVERNMENT.]

BENJAMIN PIERCE, GOVERNOR.
 RICHARD BARTLETT, SECRETARY.
 DUDLEY S. PALMER, DEPUTY SECRETARY.
 WILLIAM PICKERING, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 MATTHEW HARVEY, PRESIDENT OF THE SENATE.
 HENRY HUBBARD, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Francis N. Fisk,	Concord.
Andrew Peirce,	Dover.
John Wallace, Jr.,	Milford.
Jotham Lord, Jr.,	Westmoreland.
Caleb Keith,	Wentworth.

[MEMBERS OF THE SENATE.]

John W. Parsons,	Rye.
William Plumer, Jr.,	Epping.
Thomas Chandler,	Bedford.
Isaac Hill,	Concord.
James Bartlett,	Dover.
William Prescott,	Gilmanton.
Jesse Bowers,	Dunstable.
Matthew Harvey,	Hopkinton.
Asa Parker,	Jaffrey.
Jonathan Nye,	Claremont.
James Minot,	Bristol.
John W. Weeks,	Lancaster.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Atkinson and }	Amos Sawyer.
Plaistow, }	Simeon Fellows.
Brentwood,	John Lane.
Candia,	Samuel Aiken.
Chester,	Jesse I. Underhill.

Deerfield,	Dudley Freese.
East Kingston,	Benning W. Sanborn.
Epping,	Joseph Currier.
Exeter,	Lawrence Brown.
	Jeremiah Dow.
	Oliver W. B. Peabody.
Greenland,	Stephen Pickering.
Hampstead,	Samuel Marshall.
Hampton,	Joshua Lane.
Hampton Falls,	Levi Lane.
Hawke and }	
Sandown, }	Abraham S. French.
Kensington,	Jeremiah Batchelder.
Londonderry,	John H. Miltimore.
	John Porter.
	Alanson Tucker.
Newington,	Cyrus Frink.
Newmarket,	Abner P. Stinson.
Newton,	John Bartlett.
North Hampton,	Nathaniel Batchelder.
Northwood,	John Kelly.
Nottingham,	Samuel Dame.
Poplin,	Enoch Brown.
Portsmouth,	Langley Boardman.
	William Claggett.
	Samuel E. Coues.
	Alexander Ladd.
	Nathaniel B. March.
Raymond,	Moses Dudley.
Rye,	Simon Jenness, Jr.
Salem,	John Clindenin.
Seabrook,	John Lock.
Stratham,	Noah Piper.
Windham,	Samuel Anderson.

STRAFFORD COUNTY.

Alton,	Thomas Flanders.
Barnstead,	John Kent.
	William Walker, Jr.
Barrington,	William Hale.
Brookfield,	John C. Churchill.
Burton and }	
Chatham, }	David Allard.
Center Harbor,	Jonathan S. Moulton.
Conway,	Thomas S. Abbot.

Dover,	Daniel M. Christie.
	Samuel Kimball.
	Eri Perkins.
	John Williams.
Durham,	Andrew G. Smith.
Eaton,	Samuel Atkinson.
Effingham,	James Lord.
Farmington,	Jeremiah Jones.
Gilford,	Barnard Morrill.
Gilmanton,	Peter Clark.
	Benjamin Emerson.
	Stephen L. Greely.
Lee,	Edward B. Neally.
Madbury,	James Y. Demeritt.
Meredith,	George L. Sibley.
	Washington Smith.
Milton,	Hanson Hayes.
Moultonborough,	Benning M. Bean.
New Durham,	Reuben Hayes.
New Hampton,	Nicholas M. Taylor.
Ossipee,	Ezekiel Wentworth.
Rochester,	Joseph Cross.
	Jonas C. March.
Sanbornton,	James Clark.
	Noah Eastman.
	Samuel Tilton.
Sandwich,	Daniel Hoit.
	Neal McGaffey.
Somersworth,	Joseph Doe.
	William W. Rollins.
Tamworth,	Benjamin Gilman.
Tuftonborough,	Joseph L. Peavey.
Wakefield,	John Kimball.
Wolfeborough,	John C. Young.

MERRIMACK COUNTY.

Allenstown,	Henry Dowst.
Andover,	Samuel Brown.
Boscawen,	John Farmer.
	Ezekiel Webster.
Bow,	Jonathan Cavis.
Bradford,	Daniel Millen.
Canterbury,	Joseph M. Harper.
Concord,	Nathan Ballard.
	Jeremiah Pecker.
Dunbarton,	James Allison.

Epsom,	Thomas D. Merrill.
Fishersfield,	Jonathan P. Dodge.
Henniker,	Robert M. Wallace.
Hooksett,	Asa Sawyer.
Hopkinton,	Stephen Darling.
	Nathaniel Knowlton.
Loudon,	Samuel B. Dyer.
New London,	Green French.
Northfield,	Israel Cochran.
Pembroke,	Boswell Stevens.
Pittsfield,	John Jenness.
Salisbury,	Samuel C. Bartlett.
Sutton,	Reuben Porter.
Warner,	Benjamin Evans.
	Abner B. Kelly.
Wilmot,	Josiah Stearns.

HILLSBOROUGH COUNTY.

Amherst,	Robert Reed.
Antrim,	Samuel Fletcher.
Bedford,	Ebenezer French.
Deering,	William McKeen.
Dunstable,	William Boardman.
	Eleazer F. Ingalls.
Francestown,	Daniel Fuller, Jr.
Goffstown,	Gideon Flanders.
	David Steele.
Greenfield,	William Whittemore.
Hancock,	Henry Whitcomb.
Hillsborough,	Andrew Sargent.
Hollis,	Benjamin M. Farley.
Litchfield,	Moses Chase.
Lyndeborough,	Joseph Jones.
Manchester,	Amos Weston, Jr.
Mason,	John Stevens.
Merrimack,	James B. Thornton.
Milford,	Stephen Peabody.
Mont Vernon,	Aaron F. Sawyer.
New Boston,	Samuel Trull.
New Ipswich.	Stephen Wheeler.
Nottingham West,	Caleb S. Ford.
Pelham.	Samuel M. Richardson.
Peterborough,	Jonathan Smith.
Sharon,	Jonathan Farnsworth.
Society Land and } Windsor, }	Joseph Chapman, Jr.

Temple,
Weare,

Wilton,

David Stiles.
Amos W. Bailey.
Tristram Eaton.
Samuel Abbot.

CHESHIRE COUNTY.

Acworth,
Alstead,
Charlestown,
Chesterfield,
Claremont,

Cornish,
Croydon,
Dublin,
Fitzwilliam,
Gilsum,
Goshen,
Grantham,
Hinsdale,
Jaffrey,
Keene,

Langdon,
Lempster,
Marlborough,
Marlow,
Nelson,
Newport,
Plainfield,
Richmond,
Rindge,
Roxbury,
Springfield,
Stoddard,
Sullivan,
Surry,
Swanzy,
Troy,
Unity,
Walpole,
Washington,
Wendell,
Westmoreland,
Winchester,

Daniel Robinson.
Ezra Kidder.
Henry Hubbard.
Ezekiel P. Pierce.
Josiah Richards.
Austin Tyler.
John L. Putnam.
Bryant Brown.
Samuel Adams.
Levi Chamberlain.
Luther Whitney.
Oliver Booth.
John Gove, Jr.
Abraham Hinds.
William Ainsworth.
Henry Cooledge.
James Wilson, Jr.
Samuel Egerton.
Abner Chase.
Joseph Frost.
William Lewis.
George Dodge.
William Cheney.
John Ticknor.
Jonathan Rawson.
Amos Keyes.
Samuel Griffin.
Joseph Nichols.
Aaron Matson.
John Wilson.
Francis Holbrook.
Elijah Belding.
Daniel Cutting.
James A. Gregg.
William G. Field.
Jacob S. Gould.
John Young.
Samuel Winchester.
Horace Chapin.

GRAFTON COUNTY.

Alexandria,	Benjamin Kenniston.
Bath,	Moses P. Payson.
Bethlehem,	Samuel Burnham.
Bridgewater,	Joseph W. Pearson.
Bristol,	Joseph Moore.
Campton,	Moses Baker.
Canaan,	James Wallace.
Danbury,	Walter Sherwell.
Dorchester,	Daniel Johnson.
Ellsworth,	Samuel Newell.
Enfield,	Robert Cochran.
Grafton,	Peter Sweatt.
Groton,	John Nevins, Jr.
Hanover,	Elijah Miller.
	Daniel Oliver.
Haverhill,	John L. Corliss.
Hebron,	Stephen Pillsbury.
Holderness,	John Shepard, Jr.
Landaff,	Daniel Clark.
Lebanon,	Timothy Kenrick.
	Roswell Sartwell.
Lisbon,	Jonathan Bolles.
Littleton,	Nathaniel Rix.
Lyman,	Caleb Emery.
Lyme,	Nathaniel Lambert.
New Chester,	Daniel Favor.
Orford,	John Rogers.
Piermont,	Joseph Sawver.
Plvmouth,	Samuel C. Webster.
Rumney,	Samuel Burns.
Thornton,	Enoch Colby, Jr.
Warren and }	Enos Wells.
Coventry, {	
Wentworth,	Jonathan Eames.

COOS COUNTY.

Adams and }	Stephen Meserve.
Bartlett, {	
Colebrook, }	
Columbia and }	Hezekiah Parsons.
Errol, }	
Dalton and }	
Whitefield, {	Ebenezer Rix.

Jefferson,	}	
Shelburne,		
Shelburne Addition,		
Kilkenny,		Barker Burbank.
Bretton Woods and		
Nash and Sawyer's	}	
Location,		
Lancaster,		Richard Eastman.
Northumberland,	}	
Milan,		
Piercy,		Thomas Peverly.
Randolph and		
Stratford,		
Stewartstown,	}	
Dixville,		
Millsfield and		Jeremiah Eames.
College Grant,		

[*First Session, Held at Concord, June 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, July 2, 3, 4, 5, 6, 7, 1827.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE NAME OF THE REMSEN MANUFACTURING COMPANY.

[Approved June 20, 1827. *Acts, vol. 24, p. 1. See acts of June 20, 1826, *ante*, p. 488; July 2, 1846, Session Laws, 1846, Private Acts, Chap. 454, and June 26, 1874, *id.*, 1872-76, p. 385.]

Be it enacted by the Senate and House of Representatives in General Court convened,

That the name of the Remsen manufacturing Company, incorporated the twentieth of June, eighteen hundred and twenty six, for the manufacture of cotton, woollen and other goods in the town of Mason, be changed, and that the said Company be hereafter called and known by the name of the Columbian manufacturing Company.

* Beginning with the year 1827, the original acts were bound in book form, as they are to-day, instead of being kept in manuscript form as had previously been done.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF PEMIGEWASSETT SOCIAL LIBRARY SOCIETY IN PEELING.

[Approved June 20, 1827. Acts, vol. 24, p. 3.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened,

That Thomas Pinkham, John V. Barron, Benjamin Barron, Thomas Vincent Junior, John Gray Junior, Benjamin Fox, David W. Wells, Nathan Fitts, Samuel Newell, their associates and successors be and they are hereby made a body politic and corporate by the name of the Pemigewassett social Library Society in Peeling, and by that name may sue and be sued, prosecute and defend to final judgment and execution; and are hereby vested with all the powers and privileges, and subjected to all the liabilities, incident to corporations of a similar nature; and may receive, purchase and

hold personal estate to any amount not exceeding the sum of one thousand dollars, for the purposes of said Society, and the same may sell, convey and dispose of at pleasure.

Section 2. And be it further enacted, That Nathan Fitts, John V. Barron, and Samuel Newell, or either two of them, may call the first meeting of said Society by posting up a notification for that purpose at some public place in said Peeling, at least fifteen days prior to said meeting, containing the time, place, and design of said meeting, at which, or at any subsequent meeting of said society, duly holden, the members may make any by laws for the regulation and government of said society, not repugnant to the laws of this State, and do and transact any business necessary to carry into effect the objects of said association.

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE ADAMS SOCIAL LIBRARY SOCIETY.

[Approved June 20, 1827. Acts, vol. 24, p. 5.]

Section 1 Be it enacted by the Senate and House of Representatives in General Court convened,

That George P. Meserve, Joshua Trickey, Alexander Lucy, Joseph Trickey and George Johnson, their associates and successors, be, and they are hereby made a body politic and corporate, by the name of Adams Social Library society, and by that name may sue and be sued, prosecute and defend to final judgment and execution; and are hereby vested with all the powers and privileges, and subjected to all the liabilities incident to Corporations of a similar nature, and may receive, purchase and hold personal estate to any amount not exceeding five hundred dollars for the purposes of said Society, and the same may sell, convey and dispose of at pleasure.

Section 2. And be it further enacted, That the said George P. Meserve, Joshua Trickey and Alexander Lucy, or any two of them, may call the first meeting by posting up a notice in some public place in said Adams, or by giving personal notice to each member aforesaid of the time and place and design of said meeting at least ten days prior to said meeting, at which, or at any subsequent meeting of said Society duly holden, the members may make any by laws for the regulation and government of said Society not repugnant to the laws of this State, and transact any business necessary to carry into effect the objects of said association.

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO THE ACTS, RELATING TO THE OFFICE OF CORONER.

[Approved June 20, 1827. Acts, vol. 24, p. 9. Session Laws, 1827, Chap. 4. See also acts of June 10, 1791, Laws of New Hampshire, vol. 5, p. 747; June 10, 1817, *id.*, vol. 8, p. 608; June 13, 1823, *ante*, p. 179, and June 28, 1827, *post*. Repealed by act of July 3, 1829, Laws, 1830 *ed.*, p. 541.]

Be it enacted by the Senate and house of Representatives in General Court convened, That every Coroner within the County for which he is commissioned, after taking an inquest of the violent death occasioned, or casual death happening, of any stranger, shall bury the dead body in a decent manner, and the expenses thereof shall be paid to said Coroner out of the Treasury of the County, on his account for such expences being examined, and allowed, by the Justices of the Superior Court.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO THE ACTS RELATIVE TO THE PRESERVATION OF FISH IN MERRIMACK RIVER, AND ITS TRIBUTARY STREAMS.

[Approved June 20, 1827. Acts, vol. 24, p. 11. Session Laws, 1827, Chap. 5. Laws, 1830 *ed.*, p. 247. See also acts of June 20, 1811, Laws of New Hampshire, vol. 8, p. 45; June 23, 1818, *id.*, p. 685; December 16, 1820, *id.*, p. 937, and July 2, 1823, *ante*, p. 234. Repealed by acts of June 28, 1831, Session Laws, 1831, Chap. 27, and December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That where any two seines now sweep opposite each other, or on the same ground in Merrimack river, the proprietors of such seines shall not be entitled to fish more than three days in each week, beginning on Monday morning at sun rising in each week, and ending Thursday morning at sun rising in the same week.

Section 2. And be it further enacted, That the second section of an act passed sixteenth of December eighteen hundred twenty. be, and the same, is hereby repealed: Provided however, that nothing in this act contained, shall be construed to affect any action, or right of action, to recover any penalty heretofore incurred under the provisions of the act herein above referred to.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
 GOFFSTOWN UNION LIBRARY.

[Approved June 22, 1827. Acts, vol. 24, p. 13.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That David Barr, Jonathan Aiken, Moses Poor, William Brown, and their associates and successors, be, and hereby are incorporated into, and made, a body politic and corporate, by the name and style of the Goffstown Union Library, with continuance and succession forever, and may hold personal property for the use of said association not exceeding one thousand dollars.

Section 2. And be it further enacted, That said proprietors be and hereby are authorized to meet on the first monday of January annually, and then choose all such officers and transact all such business as may seem necessary; and may make, establish and constitute such by laws, rules and regulations for the government of said corporation as may be deemed expedient.

Section 3. And be it further enacted, That David Barr and Jonathan Aiken be authorized and empowered to call the first meeting of the proprietors by giving personal notice to each member, or by posting up advertisements at each meeting house in Goffstown, stating the time, place and purpose of said meeting, at least fifteen days prior to the meeting, at which meeting the proprietors are hereby authorized to choose officers in the same way as at their annual meeting.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE BIBLE LODGE, NUMBER TWENTY SEVEN, IN
 GOFFSTOWN.

[Approved June 22, 1827. Acts, vol. 24, p. 15.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Aiken, Jesse Carr, Charles F. Gove and their associates, and all persons who may hereafter become members of said Lodge, be, and they hereby are, incorporated and made, a body corporate and politic forever,

by the name of Bible Lodge, number twenty seven, in Goffstown. And the said body corporate is hereby empowered to hold and possess, real and personal estate not exceeding one thousand dollars, and is vested with all the powers, rights and privileges incident to such corporations.

Section 2. And be it further enacted, That said Lodge may at any of their regular communications, by giving one month's notice at a regular communication, elect such officers, and establish such by laws, rules and regulations, as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects of this act.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF HARMONY LODGE, NUMBER THIRTY EIGHT, IN THE TOWN OF HILLSBOROUGH.

[Approved June 22, 1827. Acts, vol. 24, p. 19.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, That, George Duncan, Thomas Wilson, John Lewis, Joseph Bickford, Nathaniel Wilson, William Sargeant, Charles Champney and their associates, and all persons who may hereafter become members of said Lodge, be and they hereby are incorporated and made a body politic forever, by the name of Harmony Lodge Number thirty eight in the town of Hillsborough; and the said body corporate is hereby empowered, to hold and possess, real and personal estate not exceeding in value the sum of five hundred dollars, and is vested with all the powers, rights and privileges incident to Corporations of a similar nature.

Section 2. And be it further enacted, That George Duncan, Thomas Wilson and John Lewis, or any two of them, may call the first meeting of said Lodge by posting up a notice of the time and place of said meeting, in two or more public places in said town of Hillsborough, fourteen days previous thereto; and at said meeting, or any subsequent meeting, the members of said Lodge may choose a Secretary, and elect such other officers, and establish such by laws, rules and regulations as may be deemed necessary for the government of said Lodge and the carrying into effect the objects thereof; provided said by laws, rules and regulations be not repugnant to the constitution and laws of this State.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE BENJAMIN ABBOT AND OTHERS BY THE
NAME OF THE EXETER MILL AND WATER POWER COMPANY.

[Approved June 22, 1827. Acts, vol. 24, p. 21. This corporation was merged in the Exeter Manufacturing Company, June 25, 1861, Session Laws, 1861, Private Acts, Chap. 2543. See act of incorporation of the latter, June 26, 1827, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court Convened, that Benjamin Abbot, John Taylor Gilman, Nathaniel Gilman, John Rogers, William Perry, George Gardner and their associates and successors, be, and they are hereby incorporated and made a body politic, by the name of the Exeter mill and Water power company; by which name they may sue and be sued, prosecute and defend to final Judgment and execution, and shall be, and are hereby vested with all the powers of similar corporations, and may have a common seal, which they may at pleasure break, alter or renew.

Section 2. And be it further enacted, That the said corporation shall have power and authority to carry on the making and fabricating of woollen Goods in the town of Exeter, and to erect, purchase, and use such saw mills, grist mills, carding machines, fulling mills and dye houses, as they may deem expedient or advantageous, together with such other branches of trade and business as may be necessarily or conveniently connected therewith.

And the said Corporation shall also have power to acquire, by purchase or otherwise, such real and personal estate as may be necessary or convenient for carrying on said branches of business; provided such estate shall not exceed in value one hundred thousand dollars, and the same may dispose of and sell at pleasure.

Section 3. And be it further enacted, That the capital of said corporation may be divided into as many shares as the proprietors at any legal meeting shall determine, which shall be numbered in progressive order beginning at, one; and each proprietor shall have a certificate under the hand of the Treasurer, and seal of said corporation expressing the number of shares, the progressive numbers thereof, and certifying that he is the owner thereof, which shares may be alienated in such manner as said corporation may prescribe.

Section 4. And be it further enacted, That the shares in said corporation, shall be liable for all assessments thereon legally made; and upon the nonpayment of all or any part of the same for thirty days after the same shall have become payable, the Treasurer may advertise and sell at public auction such delinquent's shares, or so

many of them as may be necessary to pay the sums due with incidental charges; in such manner as the by laws of the said corporation may ordain; provided no assessments be made on one share beyond the sum of one hundred dollars.

Section 5. And be it further enacted, That John Rogers and George Gardner may call the first meeting of said corporation at said Exeter, by advertising the same in some newspaper printed in Exeter or Portsmouth, two weeks previous to said meeting, and the members of said corporation, at that, or any legal meeting, by a vote of the majority of those present or represented, allowing one vote for each share, may choose such officers and servants as they may deem necessary, prescribe their duties, order assessments and fix the time of their payment, pass by laws, not repugnant to the Constitution and laws of the State, for their due regulation and Government, prescribe rules for the transfer of their stock, agree on the manner of calling future meetings; and until such method shall be determined, any future meeting of said corporation may be called in the same way and manner as is herein prescribed for calling the first meeting, at which they may transact such other business of the corporation as they may deem necessary.

[CHAPTER 10.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE AN EPISCOPAL SOCIETY IN HOPKINTON,
BY THE NAME OF ST. ANDREW'S CHURCH.

[Approved June 22, 1827. Acts, vol. 24, p. 27.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Baruch Chase, John Harris, John O. Ballard, Charles Chase, Bodwell Emerson, Daniel Chase, Nathaniel Knowlton and their associates and Successors, be, and they are hereby incorporated, by the name of St. Andrew's Church, and by that name may sue and be sued, prosecute and defend, to final judgment and execution; And for the sole purpose of supporting religious worship and moral instruction, may hold real and personal estate the annual income of which, not exceeding one thousand dollars.

Section 2. And be it further enacted, That Baruch Chase, John Harris and John O. Ballard, or any two of them, may call the first meeting of said Corporation by posting up a notification in writing, stating the time, place, and object thereof, at the town house in Hopkinton, ten days before the time of holding the same; at which meeting, or at any subsequent meeting, the members of said Cor-

poration may choose officers, make by laws suitable for their regulation and government, not being repugnant to the laws of the State, and agree on the time for holding future meetings, and the manner of calling the same.

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE ACWORTH UNION LIBRARY.

[Approved June 22, 1827. Acts, vol. 24, p. 29.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Nathaniel Grout, David Blanchard, Jesse Slader, their Associates and Successors, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of the Acworth Union Library; and by that name may sue and be sued, prosecute and defend, and be known and distinguished in all cases whatever; and they hereby are vested with all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That the said Proprietors are hereby authorized and empowered to establish a Library, consisting of such books and literary works as they may deem proper, and to maintain, use, and forever continue the same in the town of Acworth and County of Cheshire; and for that purpose to acquire and receive, by gift, grant, subscription, or otherwise, moneys and other property, not exceeding in value at any one time, the sum of one thousand dollars; and the same to sell, convey and dispose of at pleasure.

Section 3. And be it further enacted, That either two of the persons above named may call the first meeting of said Proprietors, at any suitable time and place, by giving at least three days personal notice, or by posting a notification for that purpose at the meeting-house in said Acworth, at least eight days prior thereto; at which, or at any subsequent meeting duly holden, the said Proprietors may agree on the manner of calling their annual and other meetings; may elect such officers as they may deem necessary, may receive subscriptions for shares, and determine the manner of transferring shares; may order assessments thereon, and fix the time of payment; may establish by laws for their regulation and government not repugnant to the laws of the State; and may do and transact any business necessary to carry into effect the objects of their association. All questions shall be determined by a majority of

votes present or represented at any meeting, accounting one vote to each share, except the raising of money, which shall require at least three fourths of the whole number of votes present, and shall always be done at an annual meeting and at no other time. Absent members may vote by proxy, being authorized in writing signed by the person represented, and filed with the Clerk.

Section 4. And be it further enacted, That the share or shares in said library shall be liable and holden for all assessments duly made thereon; and upon the non payment thereof, within the time fixed for their payment, the said share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments, with incidental charges, under such regulations as said Proprietors may by their by laws have prescribed.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE PERAMBULATION OF THE LINES BETWEEN TOWNS.

[Approved June 26, 1827. Acts, vol. 24, p. 33. Session Laws, 1827, Chap. 12. Laws, 1830 ed., p. 444. See act of February 8, 1791, Laws of New Hampshire, vol. 5, p. 587, and resolution of June 15, 1808, id., vol. 7, p. 680. This act repeals acts of December 16, 1796, id., vol. 6, p. 378, and December 23, 1820, id., vol. 8, p. 1000. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and house of Representatives in General Court convened, That the lines between the towns in this State shall be perambulated, and the marks and bounds renewed once in every seven years forever, by the Selectmen of each town, or by such person or persons as they shall in writing appoint for that purpose; and their proceedings shall be recorded in the respective town books; and the Selectmen of that town which has been longest organized or incorporated, shall give notice in writing unto the Selectmen of the towns adjoining, which have not been so long organized or incorporated, of the time and place of meeting for such perambulation, ten days before the day of meeting; and where two towns were incorporated on the same day, that which is the highest in the proportion of public taxes, shall be considered as the senior town; and if the Selectmen, whose duty it is to give such notice, shall neglect to notify in the manner and season by this act required, they shall forfeit the sum of twenty dollars to be recovered by the Selectmen of any junior town adjoining who are entitled to such notice, by action of debt in any court competent to try the same, one half to the use of the Select-

men who sue for the same, and the other half to the use of the town, to which the Selectmen suing for the same, belong, to be commenced in one year after such forfeiture shall have been incurred and not afterwards. And in case the Selectmen, whose duty it is, shall give such notice as by law they ought to give, but shall neglect to attend at the time and place, agreeably to the notification, they shall for every such neglect, forfeit the sum of twenty dollars to be recovered and disposed of in the same manner as the forfeiture above mentioned, and shall be prosecuted in the time therein limited and not afterwards. And in case the Selectmen of the junior town, after being duly notified to attend such perambulation, shall neglect to attend agreeably to such notification, they shall forfeit the sum of twenty dollars to be recovered by the Selectmen of the senior town so notifying in any court proper to try the same, and to be appropriated one half to the Selectmen suing for the same, and the other half to the use of the senior town; Provided, the action be commenced within one year after the forfeiture is incurred and not afterwards. And in default of such prosecution, in either of the cases aforesaid, within the time limited as aforesaid, any of the said forfeitures may be recovered by indictment, in the Superior Court of Judicature for the use of the County, if found within two years next after the forfeiture shall have been incurred.

Section 2. And be it further enacted, That the provisions of this act shall extend to all unincorporated places which are vested with all the powers which towns in this State by law have, so far as relates to the choice of assessors, selectmen, and collectors, and such unincorporated places shall be considered to all intents and purposes as the junior towns, and the Selectmen thereof shall be entitled to notice accordingly. And the Selectmen shall have the same powers, and be liable to the same penalties, for all the purposes before mentioned, as the Selectmen of towns.

Section. 3. And be it further enacted, That when the Selectmen of different towns in perambulating the lines of their several towns, disagree in renewing and establishing the boundaries and lines of such towns, the Court of Common Pleas for the County in which such towns are situated, are authorized, on petition to them for that purpose, to settle and establish such disputed line, and renew the bounds and marks of the same. And the said court shall cause the towns interested to be notified of any application to them for this purpose, before any further proceedings be had, upon which they may proceed to examine said disputed lines, either by themselves, or by a committee by them appointed, and the judgment of the said Court shall be recorded at large, and shall be of the same force and effect as would have been an agreement of the Selectmen of said towns.

Section 4. And be it further enacted, That when said disputed lines are between towns in different Counties, application shall be made to the Court in the County in which the senior town is situated. And in all cases said Court may order either or both towns to pay the costs of the application, examination, and judgment as they may deem just.

Section 5. And be it further enacted, That an act entitled, "an act in addition to an act for regulating towns and the choice of town officers passed February 8. 1791" made and passed on the sixteenth day of December 1796, and an act entitled "an act in addition to an act entitled an act for regulating towns and the choice of town officers" passed on the twenty third day of December, 1820, be, and they hereby are repealed. Provided however, that all things which may have been done under the acts hereby repealed, shall be, and remain in the same force, and all proceedings under the same acts which may at the time of the passing of this act have been begun, but have not been completed, shall and may be carried on and completed in the same manner as if this act has not been passed.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE NATHANIEL GILMAN AND OTHERS BY THE NAME OF THE EXETER MANUFACTURING COMPANY.

[Approved June 26, 1827. Acts, vol. 24, p. 37. See acts of December 22, 1808, Laws of New Hampshire, vol. 7, p. 750; July 11, 1876, Session Laws, 1872-76, p. 642, and August 17, 1887, id., 1883-87, p. 594. This corporation absorbed the Exeter Mill and Water Power Company by act of June 25, 1861, id., 1861, Private Acts, Chap. 2543.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Nathaniel Gilman, John Taylor Gilman, Bradbury Cilley, Stephen Hanson, John Rogers, Nathaniel Gilman 3^d, and Paine Wingate, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, by the name of the Exeter Manufacturing Company, by which name they may sue and be sued, prosecute and defend to final judgment and execution, and shall be, and hereby are, vested with all the powers of similar corporations, and may have a common seal which they may at pleasure break, alter or renew.

Section 2. And be it further enacted, That said corporation is hereby authorised, to carry on the making and manufacturing of

Cotton goods and such other manufactures as they may from time to time think fit, in Exeter in the County of Rockingham, and may carry on such branches of trade and business as may be necessarily connected therewith, and may erect such dams, mills and other works as may be necessary to carry on such branches of manufacture and business.

And the said Corporation shall also have power to acquire by purchase or otherwise, such real and personal estate as may be necessary or convenient for carrying on said branches of business: provided such estate shall not exceed in value five hundred thousand dollars, and the same may dispose of and sell at pleasure.

Section 3. And be it further enacted, That the capital stock of said corporation may be divided into as many shares as the proprietors at any legal meeting shall determine, which shall be numbered in progressive order, beginning at one: And each proprietor shall have a certificate under the hand of the Treasurer and seal of said corporation, expressing the number of shares, the progressive numbers thereof, and certifying that he is the owner thereof, which shares may be alienated in such manner as said corporation may prescribe.

Section 4. And be it further enacted, That the shares in said corporation, shall be liable for all assessments thereon legally made: and upon the non payment of all or any part of the same for thirty days after the same shall have become payable, the Treasurer may advertise and sell at public auction such delinquents' shares, or so many of them as may be necessary to pay the sums due with incidental charges, in such manner as the by-laws of the said corporation may ordain.

Section 5. And be it further enacted That Nathaniel Gilman, John Rogers and Nathaniel Gilman 3^d, or any two of them, may call the first meeting of said corporation at said Exeter, by advertising the same in some newspaper printed in Exeter or Portsmouth, two weeks previous to said meeting: and the members of said corporation, at that, or any legal meeting, by a vote of the majority of those present or represented, allowing one vote for each share, may choose such officers and servants as they may deem necessary, prescribe their duties, order assessments and fix the time of their payment, pass by-laws not repugnant to the Constitution and laws of the State for their due regulation and government, prescribe rules for the transfer of their stock, agree on the manner of calling future meetings: and until such manner shall be agreed upon, any future meeting may be called in the manner herein prescribed for calling the first meeting, at which they may transact such other business of the corporation as they may deem necessary.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT MORE EFFECTUALLY TO SECURE TO THE CITIZENS OF THIS
 STATE THEIR RIGHTS OF SUFFRAGE.

[Approved June 26, 1827. Acts, vol. 24, p. 41. Session Laws, 1827, Chap. 14. Laws, 1830 ed., p. 446. See acts of December 21, 1808, Laws of New Hampshire, vol. 7, p. 737; June 28, 1809, id., p. 841; June 23, 1815, id., vol. 8, p. 416; July 1, 1825, *ante*, p. 443; July 2, 1831, Session Laws, 1831, Chap. 42, and July 4, 1838, id., 1838, Chap. 384. This act repeals acts of June 14, 1799, Laws of New Hampshire, vol. 6, p. 568; June 23, 1813, id., vol. 8, p. 247, and June 24, 1814, id., p. 358. Repealed by act of December 23, 1842. See Revised Statutes (1842) Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That every male inhabitant of each town in this State, and of each un-incorporated place whose inhabitants may be required to assess taxes upon themselves for the support of government, being a native or naturalized citizen of the United States, of the age of twenty-one years and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right at the annual and other meetings of the inhabitants of said towns and places, to vote in the town or place in which he dwells and has his home.

Section 2. And be it further enacted, That the Selectmen of the several towns and places aforesaid, shall lodge with the clerk of the town or place, and shall cause to be posted up in some public place or places in such towns or places respectively, fifteen days prior to any meeting for the choice of State and County officers, representatives in the Congress of the United States, or electors of President and Vice President of the United States, an alphabetical list of all the legal voters in such town or place; and it shall be the duty of the Selectmen to place on said list the name of any legal voter which may have been omitted on receiving satisfactory evidence thereof; and at every town meeting for the purposes aforesaid, the town clerk shall check on said list the name of each voter; and in case any person shall offer to vote whose name is not on said list, the moderator in presence of the Selectmen, whose duty it shall be to attend, shall decide whether such person be a legal voter; and if it be decided that such person is entitled to vote at said meeting, his name shall be entered on said list and checked in manner aforesaid; and the Selectmen and Town clerk shall assist in sorting and counting the ballots, but no other person shall in any wise interfere therewith: And it shall be the duty of the moderator to cause the avenues, to and from the place of voting, to be kept clear, so that the legal voters may have free access thereto, and pass without interruption.

Section 3. And be it further enacted, That the Selectmen of the several towns and places shall provide, at the expense of such towns and places, a suitable box or boxes to receive the ballots of the legal voters, on which ballots shall be written or printed the name or names of the person or persons voted for; and the ballots shall be given in, in the manner following, that is to say; each voter shall deliver his ballot to the moderator in open meeting, and the moderator on receiving the ballot shall direct the town clerk to check the name of the voter on the list to be provided as aforesaid, and the moderator shall without inspecting the name or names of the person or persons voted for, examine the ballot so far as to determine whether the same contains more than one ticket; and if it do not, he shall place it in the balloting box; but if it does contain more than one ticket, the moderator shall make it manifest to the meeting and reject the same.

Section 4. And be it further enacted, That it shall be the duty of the moderator of any meeting holden for the purposes aforesaid, to declare in open meeting at the close of the poll the state of the vote or votes, and no ballot shall be received and counted after the state of the votes shall have been declared as aforesaid.

Section 5. And be it further enacted, That during the day on which any meeting shall be holden for the purposes aforesaid, no inhabitant of any town or place who is entitled to vote therein, shall be liable to arrest on any civil process whatever.

Section 6. And be it further enacted, That if any person or persons, in any town in this State shall directly or indirectly give spirituous liquors to the voters of any such town, on the day of election, or at any prior or subsequent period, and it shall be made to appear that the same was done with a view to influence the election, or as a treat for their suffrages, or the honors bestowed on any candidate in the election, such person or persons shall forfeit the sum of forty dollars, to be recovered on indictment to the use of the County in which the offence may be committed.

Section 7. And be it further enacted, That in balloting, at any meeting of any town or place for State and County officers, the moderator shall call for the ballots for Governor, Counsellor, Senator, County Treasurer and Register of Deeds, or so many of said officers as it may be necessary to vote for at said meeting, to be given in on the same ticket with the respective offices designated against the name of the person voted for; and the same mode shall be observed in voting for representatives in the Congress of the United States, and electors of President and Vice President of the United States, as is by this act provided in voting for State and County officers. Provided however, that the votes for electors of President and Vice President shall be brought in on one ticket, and those for Representatives, on another. Provided further, that

in voting for the aforesaid officers no person shall be obliged to vote for every officer to be elected.

Section 8. And be it further enacted, That if any person, at any meeting of any town or place in this State, holden for the choice of any State or County officers, representatives of towns in the General Court, representatives in the Congress of the United States, or electors of President and Vice President of the United States, or any other officer or officers usually chosen by ballot, shall give in more than one vote or list for any officer, or list of officers then voted for at such meeting, he shall for each offence forfeit the sum of thirty dollars, to be recovered by action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 9. And be it further enacted, That if any moderator, selectman or selectmen, whose business it is to preside at any such meeting within this State, shall knowingly and fraudulently receive and count any such vote so illegally and fraudulently put in by any person for the choice of any town, county, state or other officer or officers, usually chosen by ballot, or shall fraudulently embezzle from, or add any vote to the number of votes legally given in such meeting for the choice of any officer usually chosen by ballot, he shall forfeit the sum of forty dollars for each and every vote so received and counted, embezzled, or added, to be recovered by an action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 10. And be it further enacted, That if any moderator, selectman or selectmen, presiding at any meeting of any town or place in this State, for the choice of any officer or officers usually chosen by ballot, shall receive and count any vote given at said meeting by proxy, and without the personal delivery of such vote by the person entitled to give the same, he or they shall forfeit the sum of twenty dollars for each and every vote so received and counted, to be recovered by action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 11. And be it further enacted, That if any person shall give any false answer or false name to the officer presiding at such meeting while receiving evidence of the qualifications of any person, to vote at such meeting, he shall forfeit the sum of ten dollars for each and every offence, to be recovered by action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 12. And be it further enacted, That the selectmen of any town or place in this State who shall neglect or refuse to make,

post up and lodge with the clerk of such town or place, a list of the legal voters in said town or place agreeably to the provisions of this act, shall forfeit the sum of fifty dollars for each and every offence, to be recovered by an action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 13. And be it further enacted, That if the selectmen of any town or place shall at any time after the posting up of the list of voters in such town or place as is in this act directed, and before the meeting for the choice of the officers aforesaid, on application for that purpose, and on receiving satisfactory evidence that any person whose name is on said list is not duly qualified to vote for said officers, refuse to strike and erase from said list the name of any such person, or if such selectmen shall refuse to hear and examine any evidence that may be offered or produced before them, within the time aforesaid, for the purpose of proving the want of qualifications in any person whose name may be placed upon said list as aforesaid, they shall for each and every such offence, forfeit the sum of twenty dollars, to be recovered by an action of debt, one half to the use of the town or place where the offence may be committed and the other half to the use of the person who may sue for the same.

Section 14. And be it further enacted, That if the moderator of any meeting of any town or place, for the purposes aforesaid, shall fraudulently receive and count any vote, or ballot given in by any person, knowing such person not to be a legal voter in such town or place at the time; or if the moderator of such meeting shall fraudulently reject or refuse to receive and count the ballot given in by any person, knowing such person to be legally qualified to vote in such meeting, he shall for each and every such offence forfeit the sum of forty dollars to be recovered by an action of debt, one half to the use of the town or place where the offence may be committed, and the other half to the use of the person who may sue for the same.

Section 15. And be it further enacted, That if any person under the age of twenty one years, or any alien not naturalized, at any meeting in any town or place for the purposes aforesaid, shall give in any vote or ballot for any officer or list of officers then voted for at such meeting, he shall forfeit for each offence twenty dollars, to be recovered by an action of debt, one half to the use of the town or place where the offence may be committed, the other half to the use of the person who may sue for the same.

Section 16. And be it further enacted, That all actions for the penalties and forfeitures in this act mentioned, shall be commenced within six months after the offence is committed, and not afterwards.

Section 17. And be it further enacted, That it shall be the duty of the clerk of every town and place at the opening of every meet-

ing when and where any of the foregoing officers are to be voted for, and before the business of such meeting is entered upon, to read this act, or cause it to be read in said meeting.

Section 18. And be it further enacted, That the act entitled "an act to prevent undue influence and fraud in town meetings, and in the choice of town and state officers," passed on the fourteenth day of June 1799." the act entitled "an act more effectually to secure the citizens of this State their right of suffrage" passed on the twenty third day of June 1813, and the act entitled "an act in addition to, and in amendment of an act entitled "an act more effectually to secure to the citizens of this State their rights of suffrage" passed on the 24th day of June 1814 be, and they hereby are repealed. Provided however, that such repeal shall not be construed to affect any action now pending for the recovery of any forfeiture incurred under the said acts.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT DIRECTING THE MODE IN WHICH PROCESS SHALL BE SEVED UPON TOWNS AND CERTAIN OTHER CORPORATIONS, AND IN WHICH EXECUTIONS AGAINST TOWNS SHALL BE LEVIED, AND FOR OTHER PURPOSES.

[Approved June 26, 1827. Acts, vol. 24, p. 53. Session Laws, 1827, Chap. 15. Laws, 1830 ed., p. 108. See act of June 27, 1816, Laws of New Hampshire, vol. 8, p. 499. This act repeals act of December 20, 1797, id., vol. 6, p. 475. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the inhabitants of every town in this State are declared to be a body politic and corporate, and as such, by the name of their incorporation, may sue and be sued, and may prosecute and defend any action or suit, in any proper court in this State; and such towns may at any legal meeting duly warned and holden, in the towns, respectively, choose an agent or agents, attorney or attorneys, for the purposes aforesaid; and a certificate of such appointment signed by the Town Clerk shall be deemed sufficient evidence thereof.

Section 2. And be it further enacted, That all trustees of colleges, academies, schools and proprietors of common and undivided lands, grants and other estates or interests, be and hereby are empowered to sue, prosecute and defend, any actions, and to appoint an agent or agents, attorney or attorneys, to appear for them and in their behalf.

Section 3. And be it further enacted, That when any town, body politic or corporate, or the proprietors of any common and undivided lands, trustees of schools, academies or colleges, are sued, an attested copy of the writ shall be delivered to the clerk of such town, body corporate, or proprietors of common and undivided lands, or trustees, or to one of the principal inhabitants or members, thirty days before the sitting of the court, to which the same is returnable, or left the like number of days before the sitting of said court at his last and usual place of abode.

Section 4. And be it further enacted, That when judgment shall be rendered against towns in any civil suit, the goods and estate belonging to such corporations shall be answerable and stand chargeable to satisfy the judgment; and execution may be sued and levied as in other cases. And when the officer having such execution cannot find any goods or estate belonging to such town, he shall apply to the Selectmen of said town, or any one of them, whose duty it shall be to pay and satisfy the same in money, if they have any in their hands, or in the town treasury; and if the Selectmen have not money in their hands, or in the town treasury, sufficient to satisfy such execution, the said officer shall leave an attested copy of the same with said Selectmen, who are hereby empowered to assess the inhabitants of such town in a sum sufficient to satisfy such execution with costs, agreeably to law, and to collect such assessment by themselves, or a collector by them appointed, within thirty days from the time of such assessment being made: and if any collector who shall have an assessment committed to him with a warrant to collect the same, by virtue of this act, shall neglect to collect and pay over to the Selectmen the sums mentioned in such assessment within thirty days after he shall receive the same, it shall be lawful for the Selectmen to issue their extent against such collector.

Section 5. And be it further enacted, That when any Selectmen shall be served with the copy of an execution agreeably to this act, and the same shall not be satisfied within sixty days from the time of leaving such copy with them, the bodies, goods and estates of such Selectmen, shall be liable and subject to be taken upon the execution so sued out, and the same may be so satisfied with costs.

Section 6. And be it further enacted, That upon any indictment, presentment, or information against any town, a summons shall issue against such town, and shall be served by leaving an attested copy with the Town clerk or Selectmen, or at either of their last and usual places of abode, and if there be no Selectmen or Town Clerk, with an inhabitant of such town, or at his last and usual place of abode, at least thirty days prior to the sitting of the court, which shall be deemed a sufficient service and notice, and the Selectmen or their agent or attorney, duly authorized by the town, shall be admitted to defend in the name and behalf

of the town, and upon due service being made, if the Selectmen, or the agent or attorney or other inhabitant so summoned do not appear, or appearing do not plead, the Court may order a default to be entered, or shall order the general issue to be entered, upon which the merits shall be tried, and judgment rendered accordingly; and all fines duly imposed may be levied and collected by execution or warrant of distress in the name of the State, to be sued out upon the judgment in the same manner as is pointed out in this act for collecting executions which issue in civil suits.

Section 7. And be it further enacted that the act entitled "an act directing the mode of levying executions against town corporations, and certain other proceedings," passed on the twentieth day of December 1797, be, and the same is hereby repealed. Provided nevertheless, that the said act shall be, and continue, in force in relation to all proceedings had and instituted, and all rights acquired under the same act.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING OF THE ALTON SOCIAL LIBRARY.

[Approved June 26, 1827. Acts, vol. 24, p. 61. See act of incorporation, December 10, 1812, Laws of New Hampshire, vol. 8, p. 154.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the annual meeting of the Alton Social Library shall be holden on the last Saturday of May in each year, instead of the first Monday of February; any Law, usage or custom to the contrary notwithstanding.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE LANCASTER CORNER AQUEDUCT COMPANY.

[Approved June 26, 1827. Acts, vol. 24, p. 63.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Asahel Going, Levi Barnard, Jared W. Williams, David Burnside, Samuel White and

their associates and Successors, be, and they hereby are incorporated and made a body corporate and politic forever under the name of the Lancaster Corner Aqueduct Company, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Section 2. And be it further enacted, That Jared W. Williams and Samuel White before named shall call a meeting of said company by posting advertisements in two public places in said town of Lancaster, at least ten days prior to said meeting, to be holden at such time and place as they shall think proper. And the proprietors by a vote of a majority of those present or represented, at said meeting accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall agree on a method of calling future meetings, and at the same time or any future meetings may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for securing, managing and improving the interests thereof and for carrying into effect the purposes by this act intended, and the same by laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and by laws are not repugnant to the Constitution and laws of this State. And all representations at any meeting of said corporation shall be proved in writing, signed by the person to be represented, which shall be filed by the Clerk, or recorded in a book or books provided for that purpose.

Section 3. And be it further enacted, That said corporation shall have power to purchase and hold in fee simple so much land as may be sufficient to enable them to convey to Lancaster corner aforesaid, by means of an aqueduct, the water from any spring or springs of water in the neighborhood of, and not more than one mile distant from said corner.

Section 4. And be it further enacted, That said corporation shall have power to convey the water from any such spring or springs to said Lancaster corner, and there to distribute the same by means of an aqueduct and cisterns to be by them built for the purpose; provided the land upon which said aqueduct and cisterns are built is owned by said corporation, or the owners of such land shall have previously consented thereto.

Section 5. And be it further enacted, That the share or shares of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said proprietors on their records, and the share or shares of any proprietor may be sold by said corporation on non payment of assessments duly made agreeable to the by laws that may be agreed upon by said corporation.

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF HOPKINTON ACADEMY.

[Approved June 26, 1827. Acts, vol. 24, p. 69. See acts of June 21, 1832, id., vol. 29, p. 15; July 4, 1851, Session Laws, 1851, Private Acts, Chap. 1196, and January 5, 1853, id., November, 1852, Private Acts, Chap. 1382.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Ebenezer Larned, Philip Brown, Roger C. Hatch, Abram Brown, Michael Carlton, Stephen Sibley, Phineas Clough, Ebenezer Dustin and Horace Chase and their successors, be, and they are hereby made a corporation to be known by the name of Hopkinton Academy, and by that name may sue and be sued, prosecute and defend to final judgment and execution.

Section 2. And be it further enacted, That said corporation may hold real estate not exceeding the amount of three thousand dollars, and personal estate the annual income of which not exceeding one thousand dollars, for the promotion of science and the useful arts.

Section 3. And be it further enacted, That the trustees of said Academy, not being more than nine nor less than five, may establish rules and by laws for the government of said institution not repugnant to the laws of the State, may direct the application of its funds in such manner as may best promote the interests thereof and fill all vacancies in their own board.

Section 4. And be it further enacted, That Ebenezer Larned, Philip Brown and Stephen Sibley, or any two of them, may call the first meeting of said corporation by posting up a notice thereof, stating the time, place and object of said meeting, at the Town House in Hopkinton, ten days before the time of holding the same.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE PRESIDENT, DIRECTORS AND COMPANY
 OF THE CHESHIRE BANK TO REDUCE THE CAPITAL OF SAID BANK.

[Approved June 27, 1827. Acts, vol. 24, p. 71. Session Laws, 1827, Chap. 19. See acts of December 24, 1803, Laws of New Hampshire, vol. 7, p. 203; June 28, 1821, *ante*, p. 35; June 19, 1844, Session Laws, June, 1844, Private Acts, Chap. 115, and June 26, 1863, *id.*, 1863, Private Acts, Chap. 2809.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the President, Directors and Company of the Cheshire Bank, be, and they hereby are, authorized to divide so much, and no more, of the capital stock of said Bank as shall reduce it to the sum of one hundred thousand dollars.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE CONGREGA-
 TIONAL MEETING HOUSE IN NORTHWOOD.

[Approved June 27, 1827. Acts, vol. 24, p. 73.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That John Harvey, William Smith, Jonathan Piper, Thomas Wiggin, Daniel French, Levi Mead, Mary Clarke, Simon Batchelder, Jonathan Hill, David D. Bennet, John Willey, Nicholas D. Hill, Levi Batchelder, John Johnson, Ebenezer Coe, Jonathan Jenness, Susannah Garland, Jonathan Clarke, George Buzel, Sherburne Give, Dudley D Blake, Joshua Hoit, John Rundlett, George James, John Bickford, Betsy Bickford, Samuel Bartlett, Benjamin Coffin, Asa Bickford, William Bartlett, Betsey Brown, John Sherburne, William T. Caswell, Samuel Hill, Elizabeth Edgerly, Jonathan Lancaster, Mary Durgin, Morris Knowles and Benjamin Bickford and their associates, and such other persons as may hereafter become proprietors of a pew or pews in said meeting house, be and they hereby are incorporated and made a body politic forever by the name of the proprietors of the Congregational meetinghouse in Northwood; and the said body corporate is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of three thousand dollars to be vested exclusively in the said Meeting house, common

around it and convenient out houses, and is vested with all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That John Harvey, William Smith and Jonathan Piper, or any two of them, may call the first meeting of said corporation by posting up a notice of the time and place of said meeting, on the principal outer door of said meeting house, fourteen days previous thereto; and at said meeting, or any subsequent meeting, the members of said corporation may choose a secretary and treasurer, and such other officers, and establish such by laws, rules and regulations, as they may deem necessary for the carrying into effect the objects of their incorporation; provided said by laws, rules and regulations be not repugnant to the constitution and laws of this State.

Section 3. And be it further enacted, That each proprietor of said meeting house corporation, shall be entitled to as many votes in any meeting thereof, as he may at the time of casting his vote, own pews in said meeting house, and no more.

Section 4. And be it further enacted, That said corporation may at any meeting notified for that purpose, by a majority of voters present, raise any sum or sums of money that they may deem necessary for the purpose of repairing said meeting house and for keeping the same in repair, so long as they may think proper. And all sums of money raised for the purpose aforesaid, shall be assessed on the pews in said meeting house, owned by the members of said corporation, according to their value, which value shall be assessed by a committee of three persons to be chosen for that purpose by said corporation; and if the owner or proprietor of any such pew, or pews, shall neglect or refuse to pay any assessment made as aforesaid, said delinquent proprietor's pew or pews, may be sold for the payment thereof, in such manner as said corporation may agree on.

[CHAPTER 21.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE THE COCHECO MANUFACTURING COMPANY.

[Approved June 27, 1827. Acts, vol. 24, p. 77. See acts of July 2, 1846, Session Laws, 1846, Private Acts, Chap. 458; December 10, 1848, id., November, 1848, Chap. 744; June 28, 1877, id., 1877-81, p. 105, and June 28, 1878, id., 1877-81, p. 259.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That John Wheeler, Moses Paul, Matthew Bridge, George Bond, E. A. Bourne, Patrick T. Jackson, Edward H. Robbins, Jr. Samuel Torrey, and their associ-

ates and successors, be, and they hereby are, incorporated, and made a body corporate and politic forever, by the name of the Cocheco Manufacturing Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution; may have and use a common seal, and the same may break, alter and renew at pleasure; and may also make, ordain and put in execution such by laws and regulations, not being repugnant to the Constitution and laws of this State, as shall be necessary, proper and convenient for the government of said corporation, and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, That the said corporation be and the same hereby is empowered to establish, manage and carry on the manufacture of cotton, linen and woollen goods, and of all kinds of machinery and such other branches of trade and manufacture as shall be necessarily connected therewith, at any place or places which they may or shall possess, on or near the Cocheco and Isinglass rivers, or either of them, in the towns of Dover, Barrington and Strafford, and to purchase, take, hold and convey real and personal estate of every kind, to such an amount as they shall find necessary or convenient in the management of their concerns; provided the same shall not exceed the sum of fifteen hundred thousand dollars; and the same to manage, improve, change and sell at their pleasure; and to erect on the real estate owned, or to be purchased and held by them as aforesaid, such dams, canals, mills, buildings, machines and works, as they may deem necessary or useful in managing and carrying on their manufactories and works, and in conducting the business of the corporation; and may also hold, use and improve for the purposes aforesaid all such mills and other property as is now owned by the members of said corporation.

Section 3. And be it further enacted, That the said John Wheeler, Moses Paul and Matthew Bridge, or any two of them, may call the first meeting of said corporation, to be holden at some suitable time and place in the town of Dover, by publishing notice thereof at least seven days prior to the holding of said meeting, in either of the newspapers printed in said town, at which meeting a clerk shall be chosen, and sworn to the faithful discharge of the duties of his office, and it shall be his duty to record, in a book or books, provided and kept for that purpose, the doings and proceedings of said corporation, and to perform such other services as the by laws of said corporation shall require; and at the same, or any subsequent meeting duly holden, the members or associates of said corporation, may prescribe and agree on the manner of calling, holding and conducting future meetings, may divide their capital or joint stock into such number of shares as they may deem proper,

provided the number shall not exceed fifteen hundred; may prescribe the mode in which the shares in said capital stock shall be holden, and how the same shall be transferred; may make or provide for the making of assessments on the shares from time to time as occasion may require, and fix the time for the payment of the same; may appoint and constitute such officers, servants and agents of said corporation, as they shall think necessary, and prescribe their respective duties, and may do or transact any matter or thing relating to the property or concerns of said corporation.

Section. 4. And be it further enacted, That at all meetings of said corporation, duly notified and holden, each member shall be entitled to cast one vote for each share he may own and hold in the capital stock thereof, upon any question that may come before such meetings; and absent members may be represented and vote at such meetings by an agent for that purpose duly authorized by writing, signed by the member or members to be represented, which writing shall be filed with the clerk of said corporation; and at such meetings all questions shall be decided by a majority of votes cast. Provided however, that in the assessment of taxes on the shares in said corporation, two thirds of the votes cast shall be required to make such assessment binding on the members thereof.

Section 5. And be it further enacted, That the shares in the capital stock of said corporation shall be liable and holden for the payment of all assessments legally made thereon, and in case of neglect by any member to pay the sum assessed upon his share or shares, or any part thereof, for the space of thirty days after the same shall have become due and payable, such share or shares, or so many of them as shall be sufficient to pay the amount due thereon, may be sold and transferred for the payment of the same, in such way and manner as shall be prescribed in the by laws of said corporation. Provided nevertheless, That nothing in this act shall in any wise affect or impair any rights or privileges heretofore granted by the Legislature of this State to any individual or other corporation.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE FIRST METHODIST EPISCOPAL MEETING HOUSE IN SANDWICH.

[Approved June 27, 1827. Acts, vol. 24, p. 82.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Augustus Blanchard, David C. Page, Elijah Skinner, Stephen Fellows, Jr. Samuel Bus-

well, John Fellows and Stephen Ethridge and their successors, are hereby made a corporation by the name of the Trustees of the first Methodist Episcopal Meeting-house in Sandwich, and are hereby authorized, in their corporate capacity to acquire and hold real and personal estate, not exceeding in value five thousand dollars, to be invested in said Meetinghouse, necessary buildings and common around the same, to be held by said corporation as trustees, and for the sole use and benefit of those who are, or may be interested therein; and said corporation are invested with all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That Augustus Blanchard may call the first meeting of said Trustees by giving to each personal notice of the time, place and object thereof six days at least prior thereto.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT TO PROVIDE FOR THE MAINTENANCE OF BASTARD CHILDREN.

[Approved June 28, 1827. Acts, vol. 24, p. 85. Session Laws, 1827, Chap. 23. Laws, 1830 ed., p. 295. This act repeals acts of February 11, 1791, Laws of New Hampshire, vol. 5, p. 666, and June 29, 1821, *ante*, p. 52. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That every Justice of the Peace to whom complaint may be made by any woman, pregnant with a child, which if born alive may be a bastard, against any man charging him with having begotten such child, may convene such man before him, and at his discretion may bind him to appear at the next Court of Common Pleas, with sufficient surety or sureties, to answer such complaint and to abide the order of said Court thereon. And said Court may take security by way of recognizance of the person so charged for his appearance at any future term.

Section 2. And be it further enacted, That said complaint may be heard and tried by the said Court. Provided however, that if either party shall request it, the same shall be tried by a jury and the issue shall be, whether chargeable or not.

Section 3. And be it further enacted, That when any woman shall have voluntarily made her complaint as aforesaid on oath charging any man with being the father of the child, and stating the time when and the place where the same was begotten, and shall have declared in the time of her travail the same person to be the father of the child, to the persons attending her, if any per-

son may have attended her at the time, and shall have continued constant in such accusation, she shall be admitted as a competent witness on the trial, her credibility being left to the Court or jury who try the cause. Provided however, that no woman shall be admitted as a witness as aforesaid who shall have been convicted of any crime rendering her incompetent to testify in any other cause.

Section 4. And be it further enacted, That any man who shall be found, by the Court or the jury chargeable as aforesaid, shall be so adjudged, and shall be ordered to pay such sum or sums of money to the mother of the child, or in cases where the Court may deem it proper, to the selectmen of the town liable by law to maintain the child when standing in need of relief, to be applied to the maintenance of the child, as the Court may under all the circumstances judge reasonable; and he shall be also ordered to pay the costs of the prosecution. And the said Court may further order the person, adjudged chargeable as aforesaid or the mother, or both, to give security to save the town, liable by law as aforesaid, harmless and free from the maintenance of the child. And any person or persons who shall refuse or neglect to obey any order of the Court, made as aforesaid, may be committed to prison until the same be obeyed.

Section 5. And be it further enacted, That if any woman after having made her complaint as aforesaid, and having prosecuted the same in said Court, shall abandon the same, the town liable by law as aforesaid shall, upon application to the Court in writing for that purpose by their selectmen agent or attorney, be admitted to prosecute the said complaint and procure an order upon the person accused, to give security as aforesaid to save the town harmless. And a record being made that the said town is admitted to prosecute as aforesaid, it shall be deemed a party to the prosecution. And if the person accused be found chargeable, he shall be so adjudged, and be ordered to give security, to save the town harmless and pay the costs of the prosecution and to stand committed until the order be obeyed. And if he shall be found not chargeable, he shall be acquitted, and be allowed costs, and have execution therefor against the town.

Section 6. And be it further enacted, That when any mother of a bastard child shall have neglected or refused to make her complaint as aforesaid, or having made the same, shall neglect to prosecute her complaint in the Court aforesaid, every Justice of the Peace to whom complaint may be made by the Selectmen of any town liable by law as aforesaid against any man charging him with having begotten such Bastard child, may convene such man before him and at his discretion bind him to appear at the next Court of Common Pleas with sufficient surety or sureties to answer such charge and abide the order of Court thereon. And such complaint

may be prosecuted in the name of the town and heard and tried by the Court. Provided however, That if either party shall request it, the same shall be tried by a jury and the issue shall be whether chargeable or not. And if upon such complaint made by the selectmen of any town, the person accused shall be found chargeable, he shall be so adjudged, and be ordered to give security to save the town liable as aforesaid harmless, and to pay the costs of the prosecution. And any person neglecting or refusing to obey such order may be committed to prison until the same be performed. And if the man so accused shall be found not chargeable, he shall be acquitted and allowed his costs, and have execution therefor, against the town.

Section 7. And be it further enacted, That if any person committed to prison by virtue of this act be poor and unable to pay such sum or sums, or to procure such sureties as may be required by order of the Court aforesaid, said Court may, on application to them for that purpose, discharge such person from imprisonment, at such time and upon such terms and conditions as they may think proper.

Section 8. And be it further enacted, That the act entitled "an act for the maintenance of bastard children," passed on the eleventh day of February 1791, and the act entitled "an act in addition to an act entitled "an act for the maintenance of bastard children," passed on the twenty ninth day of June, 1821, be, and they hereby are, repealed. Provided however, That nothing herein shall be construed to affect any complaint already made under the acts which are hereby repealed.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT REGULATING TOWNS AND THE CHOICE OF TOWN OFFICERS.

[Approved June 28, 1827. Acts, vol. 24, p. 93. Session Laws, 1827, Chap. 24. Laws, 1830 ed., p. 451. See acts of December 16, 1796, Laws of New Hampshire, vol. 6, p. 378; June 14, 1799, id., p. 568; June 25, 1830, Session Laws, 1830, Chap. 3; July 6, 1833, id., 1833, Chap. 130, and June 24, 1834, id., 1834, Chap. 180. This act wholly repeals acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 587; December 19, 1797, id., vol. 6, p. 462; December 17, 1803, id., vol. 7, p. 180; December 13, 1804, id., pp. 347, 352; June 23, 1815, id., vol. 8, p. 416; December 23, 1820, id., p. 1000; June 16, 1821, *ante*, p. 7; June 26, 1823, *ante*, p. 205, and partly repeals act of July 1, 1819, Laws of New Hampshire, vol. 8, p. 820. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That every male inhabitant of each town of the age of twenty one years, excepting paupers, and persons excused from paying taxes at their own request, shall

have a right to vote in the town where he lives, or of which he is an inhabitant, in any town meeting, in any matter that may come before such town.

Section 2. And be it further enacted, That when there shall be occasion for a town meeting, the Selectmen shall make a warrant under their hands and seal, directed to some constable in the same town requiring him to notify the inhabitants of the town qualified by law to vote in town affairs to meet at a place in said town, and at a certain hour therein mentioned; and the said selectmen shall in such warrant insert the intent and design of such meeting, and the subject matter of all business, matters and things to be considered and done at said meeting; and nothing done at said meeting, holden by virtue of said warrant shall be considered as good and valid in law, unless the subject matter thereof shall have been inserted as aforesaid.

And the constable shall post up an attested copy of such warrant at the meeting house or some public place in said town fifteen days before the day of holding such meeting, or give personal notice to the said inhabitants the like number of days before such meeting, except in cases where other and different notice may be by law prescribed and directed, or otherwise notify and summon the said inhabitants in such way and manner as they at a legal meeting shall direct; and the constable shall return such warrant at the place, and at the time for holding such meeting, with his doings therein, to the town clerk, or in his absence to one of the selectmen. Provided nevertheless, that the selectmen of each town, and place be and they hereby are authorized and empowered to warn meetings in their respective towns by posting up a copy of the warrant therein, in the same way and manner, and the same term of time before the meeting as is herein before directed to be done by constables, and to make return of their doings, and of the warrant, at the time and place of the meeting. And all matters and business done and transacted at a meeting thus warned shall be good and valid as though the same had been warned by a constable. And in case ten or more of the freeholders in any town shall signify their desire in writing to the selectmen, to have any matter or thing inscribed in a warrant for calling a meeting, the selectmen are hereby required to insert the same in the next warrant they shall issue for a meeting, or call a meeting for the express purpose of considering thereof if the same shall be requested.—

And in case the selectmen shall unreasonably neglect to call a meeting, or to insert such article, the sixth part of the legal voters in any such town may apply to any justice of the peace within the same County, who is hereby authorized and empowered to issue his warrant under his hand and seal to any constable of the town if such there be, otherwise to any of the freeholders applying, directing and requiring him to warn the inhabitants of such town quali-

fied to vote in town affairs, to assemble and meet at such time and place in said town as the said justice shall order, and for the purposes in said warrant expressed, and the same notice shall be given and return thereof made as in other cases. —

—And when by reason of death, or removal of selectmen, a major part of the number originally chosen shall not remain in office, in such case a major part of those who remain in office shall have power to call a meeting for the purpose of filling up vacancies in the board of selectmen and for all other lawful purposes.—

—And if any constable shall in any of the particulars aforesaid neglect his duty, he shall for each offence, forfeit and pay the sum of forty dollars, one half to the use of the town, and the other half to the use of any inhabitant of the town who shall sue for the same.

Section 3. And be it further enacted, That all places incorporated by the names of parishes with town privileges are hereby declared to be towns to every intent and purpose, and are entitled to all the privileges, and vested with all the powers, and liable to all the penalties to which towns are or may be entitled, vested with or liable.

Section 4. And be it further enacted, That if any selectmen shall neglect to issue a warrant for the holding of meetings in due course of law for the choice of Governor, Counsellors, Senators, Representatives of towns, County Register and County Treasurer, Town officers, Electors of President and Vice President of the United States, and Representatives in the Congress of the United States, they shall for each neglect forfeit the sum of fifty dollars to the use of any person who will sue for the same.

Section 5. And be it further enacted, That whenever it shall happen that the annual meeting of any town has not been duly holden, or in case any town shall never have had a legal meeting, then on the application of any ten freeholders of such town made in writing to any Justice of the Peace, such Justice shall call a meeting of the inhabitants of such town by warrant under his hand and seal directed to any of the freeholders of such town, in which warrant shall be expressed the design of such meeting and the articles to be acted upon; and the same notice shall be given as in other cases of warning town meetings, and the said Justice shall preside in said meeting until a moderator be chosen.

Section 6. And be it further enacted, That at every town meeting a moderator shall be first chosen by ballot by a majority of votes, who shall then be empowered to manage and regulate the business of the meeting; and when any vote declared by the moderator, which vote shall have been taken in any other way than by ballot, shall immediately, and before any other business is commenced, be scrupled or questioned by seven or more of the voters present, the moderator shall make the vote certain by polling the votes. And no person shall speak in the meeting without leave of

the moderator, nor when any person is orderly speaking, and all persons shall be silent at the desire of the moderator, on pain of forfeiting one dollar for the breach of every such order to the use of the town; and if any person after being notified by the moderator of such offence, or being out of order, shall persist in such disorderly conduct, or shall in any way disturb the meeting, the moderator is hereby authorized and empowered to command any constable of said town to carry such disorderly person or persons out of the meeting and detain him or them until the business of the meeting is finished; and it shall be the duty of the constable to obey such order and command, and he is hereby authorized to command such assistance as may be necessary.

Section 7. And be it further enacted, That there shall be holden annually a meeting of the inhabitants of each town in this State, qualified to vote in town affairs in their respective towns, in the month of March, for the purpose of choosing town officers. And said meeting may in any town be holden on the second Tuesday of March, any thing in the charter of said town, or in any law, usage or custom to the contrary notwithstanding.

And the said inhabitants of each town at such annual meeting shall choose by ballot, and by a major vote, a suitable person to be clerk of the town, whose duty it shall be, truly to record all votes passed by the town while he may remain in office, and to discharge all the duties of the office according to law.

And the said inhabitants of each town at such annual meeting, shall choose by ballot and by a major vote, three or more persons, not exceeding nine, able and discreet, of good moral character, and freeholders residing in the town, to be selectmen, who shall have the ordering and managing of all the prudential affairs of the town, and shall faithfully do, perform and execute all matters and things in the laws appointed by them to be done and performed. And in all cases where anything by law is enjoined to be done by the selectmen of any town or place, it shall be sufficient if done by the major part of such selectmen. And the selectmen of any town may and shall discharge the duties of overseers of the poor, and treasurer, where such officers shall not be particularly chosen. And any town may choose assessors, by ballot, who shall have the qualifications of selectmen; and together with the selectmen of such town constitute a joint board for the assessment of taxes; and all questions arising at such board shall be decided by the major vote of the joint members thereof.

And the said inhabitants of each town at such annual meeting, shall choose, by a major vote, overseers of the poor, a treasurer, firewards, and a constable or constables, who shall be freeholders residing in the town; and also collectors of taxes, surveyors of highways, tythingmen, fence viewers, clerk of the market, sealers of leather, sealers of weights and measures, hogreeves, corders of

wood, surveyors of lumber, culler of staves, haywards or field drivers, and every other officer, which may be directed by the law of this State, and such other officers as they may judge necessary for managing their affairs. And all the said officers shall faithfully do, perform and execute all matters and things in the laws appointed by them to be done and performed.

And the before named, and all other town officers known in law as such shall have an oath administered to them agreeably to the form prescribed, for the faithful discharge of the duties of their respective offices by the town clerk, one of the selectmen, or a justice of the peace, who are hereby authorized to administer the same. And the town clerk shall make a record of the names of such persons as shall be sworn into any town office. And such officers shall continue in office the space of one year, or until the next annual meeting for the choice of town officers, and until others be chosen and sworn in their stead, except in cases where the law shall otherwise direct. And the powers of all collectors of taxes and surveyors of highways, shall continue until they shall have collected all the monies in their list contained, of the persons therein named, or have caused the labor required to be done in such surveyors' warrants to be done and performed.

And the town clerk, or any two of the selectmen shall forthwith after the choice of such town officers by writing under his or their hands direct a constable of the town to notify the persons so chosen and named in such writing, to appear within six days from the day of such notice given, before the town clerk, or one of the selectmen, or a justice of the peace in the same county, and take the oath by law prescribed; and the constable shall within four days after the receipt of such writing or precept, notify the persons therein named, agreeably to the tenor of said precept, which notice shall be personal, or left at the usual place of abode of the person so chosen; or such persons may be notified to take the oath of office in open town meeting by the moderator, any selectmen, or the town clerk; and such persons, if present shall immediately in open meeting declare their acceptance or refusal.

And every person not by law exempt from serving in such office, who shall after due notice given to him in open town meeting as aforesaid neglect for the space of one hour to take the oath of office; and every person who shall neglect for the space of six days after he shall have received such other personal notice as aforesaid, or for the same space of time after the notice shall have been left at his place of abode as aforesaid or for the space of six days after he shall have returned to his dwelling house, in case he shall be absent when the said notice may be left, to appear and take such oath, and in case the same is taken before any person other than the town clerk to file a certificate of his having so taken it, with the town clerk, shall forfeit the sum of four dollars, one half

to the use of the town, and the other half to the use of the person who may sue for the same. Provided, this clause shall not be construed as applying to such officers, for whose neglect in this respect a different penalty is by law provided.

And every constable shall within ten days after the receipt of such writing or precept return the same with his doings therein to the town clerk for the time being; and every constable neglecting his duty in any of the particulars aforesaid shall forfeit and pay the sum of five dollars one half to the use of the town, and the other half to the use of him who may sue for the same.

Provided always, that no person shall be obliged to serve in any office in any town two years successively, nor shall any person in any case be compelled to serve as a collector of taxes.

Section 8. And be it further enacted, That when there shall be a vacancy in any town office by reason of the death of any town officer, or by reason of the non acceptance of any person chosen into any office, or by reason of any person becoming non compos mentis in the judgment of the town, or where there shall be a vacancy in any other way, or when there shall be a want of any town officer or officers, the said inhabitants of such town, at any legal meeting duly warned and holden in such town, or at the adjournment of the annual meeting, may proceed to fill up such vacancies, and choose such officer or officers as may be wanting; and the officer or officers so chosen and sworn, shall have the same power and authority as though chosen at the annual meeting for the choice of town officers. And in every such case the person filling such vacancy is authorized to take up the business, appertaining to his office, where his immediate predecessor in office left it, and to proceed to the full execution and discharge of the same as fully to all intents and purposes as the officer first chosen into said office that year might or could have done. And all officers chosen at said meetings shall be liable to the same penalties and forfeitures for not accepting, or not taking the oath of office, and for every neglect of duty in their respective offices as though such officers were or had been chosen at the annual meeting for the choice of town officers.

Section 9. And be it further enacted, That in case any collector of taxes in any town in this State shall die, abscond, or become non compos mentis before he shall have completed the collection of the several sums in his list contained, the inhabitants of any such town may at any public meeting duly holden in such town choose a collector in his room, who shall have power and authority to finish the collection of the sums in such list contained, in as ample manner as the collector to whom such list was originally committed could have done, and shall be liable for the taxes outstanding at the time he received the list in the same manner as other collectors are by law answerable for the lists committed to them to collect.

Section 10. And be it further enacted, That if any town or place shall neglect or refuse to choose a collector or collectors, or shall refuse to fill up a vacancy in case the office be vacant, in either of the ways before mentioned, in every such case the selectmen of such town or place shall and may make such choice, or fill up such vacancy, and the person so appointed by the selectmen, shall have all the power and authority to collect any State, county, or town taxes, and shall be liable to the same pains and penalties and liabilities in case of neglect of duty as collectors chosen by the inhabitants of any town or place by law are or may be liable. And the selectmen may allow such collector by them so appointed in the case aforesaid a reasonable sum for his trouble, and may charge the same to the town.

Section 11. And be it further enacted, That the inhabitants of any town may at their annual meetings duly holden for the choice of town officers by vote authorize the selectmen of such town to appoint a collector or collectors of taxes for such towns, and the collectors so appointed by the selectmen shall have the same powers and be subject to the same liabilities as they would have, and be, liable to, had they been chosen by the inhabitants of such town.

Section 12. And be it further enacted, That the selectmen, whenever they appoint a collector, shall take bonds to their respective towns with sufficient sureties for the faithful performance of his duties, and shall also agree in behalf of their towns with such collector on the rate or amount of compensation to which he shall be entitled for his services, which agreement shall be in writing and signed by the selectmen and collector.

Section 13. And be it further enacted, That the inhabitants of every town in this State qualified by law to vote in town affairs at any meeting duly warned and legally holden, are hereby empowered to make and agree upon such necessary rules, orders, and by laws for the directing, managing, and ordering the prudential affairs of such town, and to annex penalties to such laws not exceeding four dollars for one offence and enuring to such uses as they shall direct. Provided such laws be not repugnant to the constitution and laws of this State. And the said penalties for any breach of any such by law shall be recovered before any justice of the peace not interested therein.

Section 14. And be it further enacted, That the inhabitants of each town in this State qualified to vote in town affairs, at any meeting duly and legally warned and holden in such town, may grant and vote such sums of money as they shall judge necessary for the support of schools, schoolhouses, the maintenance of the poor, for laying out and repairing highways, for building and repairing bridges, and for all the necessary charges arising within the town, to be assessed upon the polls and estates in the town as the law directs.

Section 15. And be it further enacted, That towns between which and any settled minister there was prior to or on the first day of July in the year of our Lord eighteen hundred and nineteen, a subsisting contract, shall have a right from time to time to vote, assess, collect and appropriate such sum or sums of money as may be necessary for the fulfilment of such contract; and every town shall have a right to raise money for repairing meeting houses owned by the town so far as to render them useful for town purposes. Provided, that no person shall be liable to taxation for the purpose of fulfilling any contract between any town and a settled minister who may have heretofore filed, or shall file previous to such assessment, with the town clerk of the town where he may reside, a certificate declaring himself not to be of the religious persuasion or opinion of the minister settled in said town.

Section 16. And be it further enacted, That all penalties and forfeitures in this act mentioned not exceeding thirteen dollars and thirty three cents, shall be sued for before a justice of the peace in the County where the offence may be committed; the action to be commenced within three months after the offence committed, and not afterwards.

Section 17. And be it further enacted, That all places unincorporated which shall from time to time be ordered to pay any part of the public taxes shall be, and they hereby are invested with all the powers which towns in this State by law have so far as relates to the choice of assessors, selectmen, and collectors, and the persons chosen into said offices respectively shall be liable to the same penalties, forfeitures and process for not taking the oath of office, and for the neglect of duty in anything pertaining to their respective offices, as such officers in towns by law are; and the inhabitants of such unincorporated places who may neglect or refuse to choose assessors, selectmen and collectors, shall be liable to the same process as the inhabitants of towns so refusing or neglecting; and any justice of the peace upon the application of any five inhabitants of any such place shall warn a meeting for the choice of such officers in the manner he is authorized and required by law to do on the application of the inhabitants of any town, on the neglect or refusal of selectmen; and the assessors of such places shall have the same powers in this respect, and it shall be their duty to warn meetings in such places, for the choice of the officers aforesaid.

Section 18. And be it further enacted, That where any town or place by law liable to pay public taxes have refused or neglected, or shall refuse or neglect to choose proper officers for assessing and collecting taxes according to law, the Treasurer of the State and the County Treasurers respectively, are empowered and authorized to issue their executions against the inhabitants of such towns or places; and the persons from whom such sums shall be levied, shall have contribution against the other inhabitants of such town or

place for such sums so levied from them as aforesaid, and all costs and damages by them sustained, and shall recover double costs of suit.

Section 19. And be it further enacted, That the act entitled an act for regulating towns and the choice of town officers, passed on the eighth day of February 1791; the act entitled an act directing that State and County officers shall be elected on the same day throughout this State passed on the seventeenth day of December 1803; the act entitled an act defining the powers and duties of assessors of taxes passed on the twenty sixth day of June 1823; the act entitled "an act providing for the appointment of collectors of taxes by the selectmen of towns in certain cases," passed on the sixteenth day of June 1821; and the first and second sections of an act entitled "an act in amendment of an act "entitled an act for regulating towns and the choice of town officers" passed February 8, anno Domini 1791," passed on the first day of July 1819; the act entitled, "an act in addition to and in amendment of an act, entitled an act for regulating towns and the choice of town officers," passed February 8, 1791," passed on the twenty third day of June 1815; the act entitled "an act in addition to "an act entitled "an act for regulating towns and the choice of town officers" passed on the nineteenth day of December 1797; the act, entitled "an act in addition to an act entitled "an act for regulating towns and the choice of town officers" passed on the thirteenth day of December 1804; the act entitled "an act directing that certain town officers shall be chosen by ballot passed on the thirteenth day of December 1804, be and they hereby are repealed. Provided however, That all officers duly chosen in pursuance of the said acts shall remain in their respective offices, and all rights acquired, and all acts done under and in pursuance of the same, shall be and remain unimpaired and in force, in the same manner they would and ought, had the said acts remained in force.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT LIMITING THE TERM OF THE OFFICE OF CORONER AND NOTARY PUBLIC, AND FOR OTHER PURPOSES.

[Approved June 28, 1827. Acts, vol. 24, p. 113. Session Laws, 1827, Chap. 25. See acts of June 19, 1817, Laws of New Hampshire, vol. 8, p. 608, June 13, 1823, *ante*, p. 179, and June 20, 1827, *ante*, p. 585. This act repeals act of June 10, 1791, Laws of New Hampshire, vol. 5, p. 747. Repealed by act of July 3, 1829, Laws, 1830 ed., p. 541.]

Section. 1. Be it enacted—by the Senate and House of Representatives in General Court convened, That all Coroners and

Notaries public hereafter appointed, shall be commissioned for the term of five years, and every Coroner before he enters upon the duties of the office, shall be sworn to the faithful discharge thereof, and shall give a bond to the county for which he shall be commissioned in the penal sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, to be approved by the Justices of the Court of Common Pleas of such county, and to be kept by the clerk of the same court.

Section 2. And be it further enacted, That so much of an act, entitled "an act regulating the office of Coroner," passed June 10th 1791, as may be inconsistent with the provisions of this act, be, and the same is hereby—repealed.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE PAGE SABBATH SCHOOL CORPORATION IN HAVERHILL.

[Approved June 28, 1827. Acts, vol. 24, p. 115.]

Whereas William G. Page, late of Haverhill in the county of Grafton, deceased, did in his life time, give and bequeath the sum of two hundred dollars, the interest of which should be annually appropriated for the support of Sabbath schools in the south Parish in Haverhill, and did appoint Edmund Carlton, John Page and Grant Powers, trustees to manage said fund. And whereas said sabbath school has received, by donation, more than three hundred volumes of books to constitute a Library for their encouragement and use. And whereas the said Carlton, Page and Powers, have petitioned the Legislature, for an act of incorporation:

Section 1. Therefore, Be it enacted By the Senate and House of Representatives in General Court convened, That the said Edmund Carlton, John Page and Grant Powers, be, and hereby are, constituted a Board of Trustees, and made a Corporation forever, by the name of "The Page Sabbath School Corporation in Haverhill," and by that name may sue and be sued, defend and be defended, and be known and distinguished in their acts and proceedings in all cases whatever, and may have and use a common seal, and the same may alter and change at pleasure.

Section 2. And be it further enacted, That said corporation is hereby made capable in law, of purchasing, receiving and holding, in fee simple or any less estate, by gift, grant or otherwise, any lands, tenements, or other estate, real or personal, to any amount, not exceeding an annual income of one hundred dollars, and the same to sell, convey and dispose of at pleasure.

Section 3^d And be it further enacted, That said John Page be authorized to call the first meeting of said corporation, by personal notice to each of his associates; at which meeting the said corporators may add, by an election by ballot, two persons to the board of trustees, elect such officers, and establish such by laws as they may deem necessary for the well being, and well ordering the affairs of said corporation.

Section 4. And be it further enacted, That the before named corporators, with such persons as they may elect *in* virtue of the third section, as their associates, be authorized to perpetuate their succession, by filling vacancies in their board, whenever they may happen, so however that the number of Trustees shall never be more than five, nor less than three.

[CHAPTER 27.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF GILFORD IRON MANUFACTURING COMPANY.

[Approved June 29, 1827. Acts, vol. 24, p. 121.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Branch Harlow, Stephen C. Lyford and Daniel Tucker, and those who now are, or hereafter may be associated with them, and their successors, be, and hereby are, constituted a body corporate, by the name of the Gilford Iron Manufacturing Company, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution in all actions, suits and processes whatsoever: And also are authorized to make, use, alter break and renew at their pleasure a common seal; and also to ordain, establish and put in execution, such by laws and regulations, not repugnant to the laws of this State, as to them may be deemed necessary for the management of the affairs of said corporation, and shall have, possess and enjoy, all powers and privileges incident to corporations of a similar kind.

Section 2. And be it further enacted, That the capital stock of said Corporation shall not exceed forty thousand dollars; the personal estate of said corporation not exceeding ten thousand dollars, together with the furnace and building or buildings necessarily connected therewith, shall be, and remain, exempt from taxation for the term of five years next after the passing of this act; and said stock shall be divided into shares of one hundred dollars each, and may be transferred in such manner as the stock-holders by their by laws may ordain.

Section 3. And be it further enacted, That at all meetings of the stockholders in said corporation, after the same be organized, they shall be entitled to vote in proportion to their several shares in the following manner; that is to say; for every one share, one vote; for every two shares, from one to ten, one vote; for every three shares, from ten to thirty, one vote; and one vote for every five shares above thirty; and absent members may vote by proxy, being authorized in writing, signed by the person represented, and filed with the clerk of the corporation.

Section 4. And be it further enacted, That Branch Harlow, Stephen C. Lyford and Daniel Tucker, or any two of them, be authorized to call the first meeting of said company, by giving personal notice to all concerned, at least ten days prior to the day of meeting, setting forth, in such notice, the time, place and object of such meeting.

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT CONCERNING THE DISCONTINUANCE OF HIGH-WAYS.

[Approved June 29, 1827. Acts, vol. 24, p. 123. Session Laws, 1827, Chap. 28. Repealed by acts of January 3, 1829, *post*, and July 3, 1829, Session Laws, 1829, Chap. 52.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That in all cases hereafter when, on the neglect or refusal of the selectmen of any town to lay out any highway petitioned for, application shall be made to the Court of Common Pleas to lay out the same, and during the pendency of said application, the selectmen of such town shall lay out the highway petitioned for, it shall not be lawful for the town in which such highway is situated, to discontinue the same, without the consent and approbation, in writing of the Court of Common Pleas first had and obtained.

Section 2. And be it further enacted, That in all cases when, on the neglect of any town to make or repair any road laid out in manner before mentioned, an indictment shall have been found against said town for such neglect, it shall not be lawful for any town to discontinue such road without the consent of the Court of Common Pleas.

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT RELATING TO THE ELECTION OF GOVERNOR, COUNSELLORS,
 SENATORS, AND REPRESENTATIVES.

[Approved June 29, 1827. Acts, vol. 24, p. 125. Session Laws, 1827, Chap. 29. Laws, 1830 ed., p. 421. See acts of June 23, 1813, Laws of New Hampshire, vol. 8, p. 247, July 4, 1834, Session Laws, 1834, Chap. 184, and July 3, 1839, id., 1839, Chap. 444. This act repeals acts of December 17, 1803, Laws of New Hampshire, vol. 7, p. 180, and July 1, 1825, *ante*, p. 443. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the meetings of the several towns and places in this state for the election of Governor, Counsellors, Senators and Representatives, shall be holden on the second Tuesday of March annually, and at no other time. Provided nevertheless, that when two or more towns are classed for the choice of a Representative, the election of such Representative may take place on any day in March.

Section 2. And be it further enacted, That the meetings for the choice of Representatives shall be warned by warrant from the selectmen, and governed by a moderator, who shall in presence of the selectmen, whose duty it shall be to attend, in open meeting receive the votes of the inhabitants present and qualified to vote for Senators, and shall, in said meetings, in presence of said selectmen and of the town clerk in said meetings, sort and count the votes and make a public declaration thereof with the name of every person voted for, and the number of votes for each person; and the person or persons having a majority of all the votes, shall be declared to be the representative or representatives of the town for the ensuing year. And it shall be the duty of the several town clerks in making out the certificates of the election of the Representatives of their respective towns to certify in such certificate that the check list was posted up and used during the balloting on which they were chosen, and also to certify the number of voters which said list contained as certified by the selectmen.

Section 3. And be it further enacted, That an act entitled an act directing that State and County officers shall be elected on the same day throughout the State passed on the seventh day of December 1803, and an act entitled "an act in addition to and in amendment of an act entitled an act more effectually to secure to the citizens of this State their rights of suffrage" approved June 23. 1813, passed on the first day of July 1825, be and they hereby are repealed.

Section 4. And be it further enacted, That the number of bal-

lots for Governor, Counsellor and Senator shall be returned and certified to the office of the Secretary of the State on distinct and separate pieces of paper.

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF ROCHESTER ACADEMY.

[Approved June 30, 1827. Acts, vol. 24, p. 127.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That an Academy for the instruction of youth in the various elementary branches of useful education, be established in Rochester, and that Isaac Willey, Hatevil Knight, William Hurd, William G. Webster, John McDuffee, Jun. Joseph S. Hanson, David Barker, James Tebbets, D. Barker, Jr. I. H. Woodman, Nath^l Upham, Charles Dennet, Joseph Cross, I. H. Torr, John Greenfield, Simon Chase, James C. Cole, Moses Hale, Joseph Hanson, Jr. John Smith, John Roberts, Jr. and William Barker, and their associates and successors, be and they hereby are incorporated and made a body corporate and politic forever, by the name of the Proprietors of Rochester Academy, and by that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final judgment and execution; may, for the use, benefit and support of said Academy and for no other purpose, receive, purchase and hold, grants and donations of real and personal estate to the value of ten thousand dollars; may erect, build and repair suitable buildings for the use and accommodation of said Academy; may choose and appoint all necessary officers, and make such by laws, rules and regulations as they may think expedient for warning and holding the meetings and conducting the business of said corporation, and may elect and appoint at such times, and for such terms as they shall think proper, trustees of said academy not exceeding twelve in number, a majority of whom shall constitute a quorum, who shall have power to hire, appoint and compensate such instructors as they may judge necessary, and to make, ordain and enforce such by laws and ordinances as may be necessary for the well government of said institution; provided such by laws, rules, regulations and ordinances be not repugnant to the constitution and laws of this State. And said corporation may have and use a common seal, and the same may break, alter and renew at their pleasure, and may possess and exercise all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That said corporation may forever elect and receive additional members thereof in such manner and under such restrictions as they may think proper.

Section 3^d And be it further enacted, That David Barker, Jr. I. H. Woodman and Hatevil Knight, or any two of them, may call the first meeting of the corporation, by posting up notifications for that purpose, in two or more public places in Rochester, specifying the object of said meeting, fifteen days prior to said meeting, and may preside in said meeting till a moderator shall be chosen.

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A RELIGIOUS SOCIETY IN HOPKINTON BY
THE NAME OF UNION BAPTIST SOCIETY.

[Approved June 30, 1827. Acts, vol. 24, p. 139.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Fowler, Samuel Folsom and Asa Kimball and their associates an successors, be, and they hereby are, made a corporation by the name of Union Baptist Society in Hopkinton, and by that name may sue and be sued, prosecute and defend to final judgment and execution; may make by laws suitable for their regulation and government not repugnant to the laws of this State and for the sole purpose of erecting a meeting house, and holding the land necessary for the same, may hold real and personal estate not exceeding five thousand dollars.

Section 2. And be it further enacted, That Samuel Folsom may call the first meeting of said corporation by posting up a written notice thereof stating the time, place and object of said meeting, at the house of David Page in Hopkinton, at least fourteen days before the time of holding the same.

[CHAPTER 32.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE EATON LEAD MINE COMPANY.

[Approved June 30, 1827. Acts, vol. 24, p. 141. See act of June 25, 1835, Session Laws, 1835, Private Acts, Chap. 49.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That James W. Ripley, Stephen Chase, Colman Colby John Kennett Jr. John March, Samuel Atkinson, their associates and successors, be and they hereby are incorporated and made a body corporate and politic, by the name of the Eaton Lead mine Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and be known and distinguished in all their acts and proceedings, and shall be and hereby are vested with all the powers and privileges, and subject to all the liabilities, incident to corporations of a similar nature.

Section 2. And be it further enacted, that the capital or joint stock of said company may consist of a sum not exceeding two hundred thousand dollars, of which a sum not exceeding one hundred thousand dollars may be vested in real estate, which may be purchased held and owned by said company, in fee simple, and by them sold and conveyed at pleasure; and the residue of said capital or joint stock may be employed and used by said company, in such manner as they may think proper, in searching and digging for lead and other ores, fossils and mineral substances, on lands which may be owned by them in the town of Eaton; and in analyzing and smelting them or converting them into useful manufactures; and in erecting and constructing buildings, furnaces, and machinery, necessary for facilitating the various operations and purposes contemplated by said Company.

Section 3. And be it further enacted, That James W. Ripley, Stephen Chase and Colman Colby, or any two of them may call the first meeting of said company, to be holden at some suitable time and place in said town of Eaton, by publishing notice thereof in one of the newspapers printed in Dover, at least three weeks prior to holding the same, at which meeting a clerk shall be chosen, who shall be sworn to the faithful discharge of the duties of his office; and it shall be his duty to record this act, and all the proceedings of said company in a book or books provided and kept for that purpose, and to give certified copies thereof when required. And at the same, or any subsequent meeting duly notified and holden, the said company may agree on the method of calling and holding

future meetings; may choose all necessary officers and agents for managing the business of said company; may divide their capital or joint stock into such number of shares as may be deemed proper, and agree upon the manner of transferring them; may order assessments and fix the time of their payment, may establish by laws for the regulation and government of said company, provided they are not repugnant to the Constitution and laws of this State; and may do and transact any business necessary for carrying into effect the objects of this association. All questions shall be determined by a majority of votes, accounting and allowing one vote to each share, provided however, that no member of said company shall be entitled to a greater number of votes than one fifth part of the whole number of shares; and absent members may vote by proxy, duly authorized in writing signed by the person or persons represented, which writing shall be filed with the clerk.

Section 4. And be it further enacted, That the share or shares in the capital or Joint stock of said company, shall be liable and holden for the payment of all assessments duly made thereon, and if any member of said company shall neglect or fail to pay the assessments made upon his share or shares after the same shall have become due and payable, the share or shares of such delinquent member or so many of them as will pay the sums due thereon, with incidental charges, may be sold and transferred in such way and manner as said company in their by laws shall direct and prescribe.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT TO EMPOWER TURNPIKE CORPORATIONS TO MAKE ALTERATIONS IN THEIR ROADS.

[Approved July 2, 1827. Acts, vol. 24, p. 147. Session Laws, 1827, Chap. 33. Laws, 1830 ed., p. 183. See act of June 22, 1818, Laws of New Hampshire, vol. 8, p. 684. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That whenever any alteration in any turnpike road shall be necessary, the corporation, by their agent or attorney, may apply by petition to the Court of Common Pleas, at any term of said Court holden in the County where such alteration is proposed, to be made, which petition shall set out the alteration proposed. And the Court aforesaid shall thereupon order such notice as they may think proper to all concerned, to appear at the next term of said Court, to be holden within the same county, to

shew cause, if any they have, why the prayer of the petitioners should not be granted; and if no sufficient cause be shewn, the court may adjudge that the alteration on said turnpike road be made according to the prayer of said petition; and the Court aforesaid may thereupon appoint a committee, of three persons, to assess the damages which may be occasioned by such alteration, and said committee, before they shall proceed to assess damages in any case, shall give notice to all persons concerned, and a report of the doings of said committee with a statement of the damages by them assessed, shall be returned to said Court, and shall be there recorded.

Section 2. And be it further enacted, That whenever the report so made shall be accepted by said Court, and the petitioners shall have paid or tendered to the respective persons injured, the amount of the damage assessed, and all the expenses incurred in consequence of their petition, as settled and adjusted by said Court, the corporation shall have the right to make the alterations defined and established, and, with the consent of said Court, to discontinue that part of said turnpike road for which the alteration is a substitute, and may thereafter hold and occupy said road so altered and substituted, as a part of their grant.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT TO DIVIDE THE TOWN OF LONDONDERRY AND TO CONSTITUTE A NEW TOWN.

[Approved July 2, 1827. Acts, vol. 24, p. 149. Session Laws, 1827, Chap. 34.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That all that part of the town of Londonderry in the County of Rockingham, lying and being easterly of the following line, to wit, beginning at the intersection of the centre of the Londonderry turnpike road with the town line between said town of Londonderry and the town of Chester, thence south one degree and thirty minutes west twelve hundred and seventeen rods to an oak tree marked, standing at Captain William Gage's pasture; thence by the same course nine hundred and seventy seven rods to a stake and stones on the line between said Londonderry and the town of Windham, with the inhabitants thereof, be and hereby is constituted and made a body corporate and politic by the name of Derry; with all the powers, privileges and immunities incident and common to other towns in this State. And all the real estate now owned by said town of Londonderry, situate and being easterly of said line, shall be the property of said

town of Derry; and all the real estate now owned by said Londonderry, situate and being westerly of said line, shall be the property of said Londonderry.

Section 2. And be it further enacted, That three fifths of all the personal estate, debts, claims and taxes now due to the town of Londonderry, shall be the property of said town of Derry, and two fifths of the same shall be the property of said Londonderry; and that said town of Derry shall pay to said Londonderry two thousand Dollars as an equivalent for real estate. And that said town of Derry shall also pay three fifths of all the debts, dues and liabilities of the present town of Londonderry, including three fifths of all sums that may be recovered on any suits, indictments, or petitions for highways, now pending in any Court, or on any petition for a highway through Londonderry, on or near the same route described in the petition of James Burnham and others now pending in Court, which may be presented and entered in the Court of Common Pleas, which is now served or may be served within eighteen months on the selectmen of Londonderry, and of all expenses that may be incurred in making said road; and that said Londonderry shall pay two fifths thereof. Provided that each town, at its own expense, shall have the right to defend against such petitions for highways; and that either of said towns may recover of the other by action on the case, before any court proper to try the same, any sum that may be justly due agreeably to the provisions of this act.

Section 3. And be it further enacted, That said town of Derry shall pay three fifths, and said town of Londonderry shall pay two fifths of all expences incurred in the support and maintenance of the paupers now supported by the present town of Londonderry.

Section 4. And be it further enacted, That in all future assessments of State and County taxes, until the Legislature shall otherwise order, said Derry shall pay seven dollars and eighty two cents, and said Londonderry shall pay five dollars and thirty eight cents of every thousand dollars; and the State and County Treasurers may and shall issue their respective warrants accordingly, any law or usage to the contrary notwithstanding.

Section 5. And be it further enacted, That James Thom, Samuel Adams and Mark Fisk, or any two of them, may call the first meeting of said Derry, by giving such notice of the time, place and design of said meeting as the law requires for calling town meetings; and either of said persons may preside at such meeting, until a moderator shall be chosen; and all town officers necessary and proper may be chosen at such meeting, who shall be sworn and have all the powers and be subject to all the liabilities by law appertaining to such like town officers.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT TO VEST IN HORACE METCALF AND RICHARD KIMBALL THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER.

[Approved July 3, 1827. Acts, vol. 24, p. 153.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the exclusive privilege of keeping a ferry with the immunities thereof over Connecticut river at any place between a point one mile south of little Sugar river and one mile north of little Sugar river in Charlestown in the County of Cheshire, be, and hereby is granted to and vested in Horace Metcalf and Richard Kimball of Charlestown in the County of Cheshire, their heirs and assigns, they, the said Metcalf and Kimball giving bonds with sufficient sureties, in the sum of five hundred dollars to the clerk of the Court of Common Pleas, for the time being, for said County of Cheshire, that the said ferry shall be constantly kept, and well attended.

Section 2. And be it further enacted, That the rates of ferriage to be taken by the said Horace Metcalf and Richard Kimball, their heirs or assigns, shall at all times be established by the Justices of the Court of Common Pleas in said County of Cheshire, and said Justices are hereby authorized and empowered to establish said rates of ferriage from time to time as they shall judge proper.

Section 3. And be it further enacted, That if any person shall demand or receive any greater rate of ferriage than the said Court of Common Pleas shall establish, he shall for each and every such offence forfeit and pay to the party injured, the sum of six dollars, to be recovered by action of debt in any Court proper to try the same.

Section 4. And be it further enacted, That if any person shall for hire or reward transport over said river within the limits aforesaid any person, creature or thing, such person so offending shall forfeit and pay to the said Horace Metcalf and Richard Kimball, their heirs and assigns, the sum of six dollars to be recovered by action of debt in any court proper to try the same. Provided nevertheless, That nothing in this act shall be construed to prevent the building and maintaining of any bridge over said river in any place within the limits aforesaid—in the same way and manner as the same might have been done had this act never been passed. And provided further, that if the said Metcalf and Kimball or their assigns shall neglect for the space of six months, at any one time,

to keep at said ferry boats and assistance sufficient for the transportation across said ferry of such persons, carriages and teams as are proper to pass the same, then this grant to be to all intents and purposes void

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT EMPOWERING RELIGIOUS ASSOCIATIONS TO ASSUME AND EXERCISE CORPORATE POWERS.

[Approved July 3, 1827. Acts, vol. 24, p. 157. Session Laws, 1827, Chap. 36. Laws, 1830 ed., p. 462. This act partly repeals act of July 1, 1819, Laws of New Hampshire, vol. 8, p. 820, and wholly repeals act of July 3, 1823, *ante*, p. 245. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the members of any religious sect or denomination of christians in this State, may associate together and form a society; may admit members and assume a name and style by which such society may be known, and distinguished in law; and having recorded the same in a book of records which shall be kept by the clerk of such society, and published the same in some newspaper in the County where such society may be formed, if any be printed therein, and if not, then in some paper printed in some adjoining County, shall be thereby constituted and become a body corporate and politic, and by such name, so assumed, shall have perpetual succession, and may possess and enjoy all the powers, privileges, and immunities, and shall be subject to all the liabilities incident to corporations of a similar nature; shall have power and authority and be capable in law, to take, hold and possess, to them and their successors, for the use and benefit of such society, by purchase gift, grant, devise or otherwise, any real or personal estate, for the purpose of erecting and repairing a house of public worship and a parsonage house and other buildings necessarily connected therewith, and for supporting the ministry in such society; and shall have power to improve, sell, convey and dispose of the same for the sole use and benefit of such society. Provided always, That the annual value or income of the estate of any one society, shall not, at any one time, exceed one thousand dollars. Provided also, That no person shall be compelled to join or support, or be classed with, or associated to any congregation, church, or religious society without his express consent first had and obtained.

Section 2. And be it further enacted, That any religious so-

ciety formed as aforesaid, may have and use a common seal, and the same alter and renew at pleasure; shall have authority to choose all such officers, and make, and ordain, all such by laws and regulations as may seem expedient or convenient for the due government of such society, and the management of their funds. Provided such by laws be not repugnant to the constitution and laws of this State. Provided also, That if any person shall choose to separate himself from such society to which he may belong, and shall leave a written notice thereof with the clerk of such society, and shall have paid all legal assessments and arrearages from him due to such society, he shall thereupon cease to be a member of said society, and be no longer liable for any future expenses which may be incurred by such society.

Section 3. And be it further enacted, That any religious society in this State, vested with corporate powers as is provided by this act, shall have full power and authority, at any meeting legally notified and holden for that purpose, to assess and raise money by taxes upon the polls and rateable estate of the members of such society, and shall have power to collect and appropriate the same for the purposes aforesaid. And the assessors and collectors of such societies or associations shall have the same powers in assessing, and collecting taxes, and shall be subject and liable to the same penalties, as similar town officers have, and are liable to.

Section 4. And be it further enacted, That the third section of the act, entitled "an act in amendment of an act entitled an act for regulating towns and the choice of town officers," passed February 8, anno Domini 1791," made, and passed on the first day of July 1819, and and act in addition to and in amendment of the last mentioned act, passed on the third day of July 1823, be, and they hereby are repealed. Provided, that all religious societies which may have been formed under the same shall continue to have and enjoy all the corporate powers, privileges and immunities which they could or would have had and enjoyed if they had been formed under this act, and all acts done, and all rights acquired under the provisions of said acts, which are hereby repealed, by said societies or by individuals, shall be and remain in full force and unimpaired by this act.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT FOR THE PUNISHMENT OF CERTAIN OFFENCES THEREIN NAMED.

[Approved July 3, 1827. Acts, vol. 24, p. 161. Session Laws, 1827, Chap. 37. Laws, 1830 ed., p. 83. See also act of June 28, 1834, Session Laws, 1834, Chap. 190. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That if any person shall wantonly and maliciously break down, cut up, pluck up or otherwise injure or destroy any tree or trees, planted or growing, either for use or ornament, in any garden, field, walk, yard, street, square or road, or shall aid or assist therein, or procure the same to be done, such person, upon conviction thereof before the Justices of the Superior Court of Judicature, shall be punished by imprisonment in the common gaol for a term not less than ten days nor more than twelve months, or by fine not less than five dollars nor more than one hundred dollars, according to the aggravation of the offence. Provided that no costs shall be allowed to the prosecutor in any prosecution arising under the provisions of this act, unless the Court shall certify that such prosecution was commenced for a sufficient cause and from justifiable motives.

Section 2. And be it further enacted, That this act shall not take effect until the first day of September next.

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT RELATING TO PROPRIETARY RECORDS.

[Approved July 3, 1827. Acts, vol. 24, p. 163. Session Laws, 1827, Chap. 38. Laws, 1830 ed., p. 118. This act repeals act of July 6, 1826, *ante* n. 531. See also act of July 3, 1839, Session Laws, 1839, Chap. 436. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall be the duty of every person in this State, not being a proprietors' clerk, nor being the clerk of any town, having in his or her possession, the proprietary records or any parts thereof of any town in this State, so connected with the proprietary records of any other town or place,

that they cannot be separated therefrom without injury, to deposite all such records, either in the office of the town clerk of some one of the towns first incorporated, to which such records may relate, or in the office of the Secretary of State, within three months after the passage of this act, or within three months from the time such records may hereafter come to his or her possession, on penalty of forfeiting the sum of one hundred dollars to the use of any person who may sue for the same, to be recovered in an action of debt.

Section 2. And be it further enacted, That after such records shall be deposited in the office of the town clerk as aforesaid, or of the Secretary of State it shall be the duty of such town clerk, or Secretary, as the case may be, to make and certify copies thereof, or any part thereof, for the use of any person applying for the same; and such copies shall be received and used in all Courts, and all other places, as duly authenticated copies of such records.

Section 3. And be it further enacted, That the act entitled "an act in addition to an act regulating proprietary matters," passed July 6. 1826, be, and the same is hereby repealed: Provided however, That such repeal shall not be construed to affect any action now pending for the recovery of any forfeiture incurred under said act.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE AMOSKEAG FIRE ENGINE COMPANY NUMBER ONE IN GOFFSTOWN.

[Approved July 3, 1827. Acts, vol. 24, p. 165.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Mayo Pond, Charles Morgan, and John T. Morgan, their associates and successors, are hereby made a corporation by the name of the Amoskeag Fire Engine Company number one in Goffstown, and are vested with all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That said corporation are hereby authorised to acquire and hold real and personal estate for the purposes of their association, not exceeding in value one thousand dollars, and the same may dispose of at pleasure.

Section 3. And be it further enacted, That Mayo Pond may call the first meeting of said corporation at any suitable time and place in Goffstown in the County of Hillsborough, by giving to the members thereof at least three days personal notice of the time, and place, and object, of said meeting.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE METHODIST EPISCOPAL MEETING HOUSE AT LAMPREY RIVER VILLAGE IN NEW MARKET.

[Approved July 3, 1827. Acts, vol. 24, p. 177.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That John Brodhead, Benjamin Mathes, Junior, Elhanen W. Fenner, Joseph H. Smith, John C. Fowler, Robert Mathes, and Benjamin Smith, are hereby made a body corporate, by the name of the Trustees of the Methodist Episcopal Meeting house, at Lamprey River Village in New Market, and in their corporate capacity are authorized to receive by gift, grant, devise bequest, or otherwise, and hold any estate, real, personal or mixed, to any amount not exceeding five thousand dollars, to be invested in a meeting house, necessary common around it, and out buildings, to be held in trust for the sole use and benefit of the persons interested therein, and are vested with all the powers and privileges, and made subject to all the duties and liabilities of corporations of a similar nature.

Section 2. And be it further enacted, That the Trustees aforesaid, and their successors, shall be the true and sole trustees and governors of said corporation, with continuance and succession forever; four of whom shall constitute a quorum for the transaction of business; and as often as any vacancy or vacancies shall occur by death, resignation or otherwise, in said board of trustees, a majority of the trustees remaining or surviving, shall elect one person or more, to fill such vacancy or vacancies, at their next annual meeting, or at a special meeting, called for that purpose.

Section 3. And be it further enacted, That John Brodhead may call the first meeting of said trustees by giving to each of them, personal notice of the time, place and object thereof three days at least prior to said meeting.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE BOSCAWEN AQUEDUCT CORPORATION.

[Approved July 4, 1827. Acts, vol. 24, p. 179.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That James West, Benjamin Morrill, Joseph Chadwick and Worcester Webster, and their associates and successors, be, and they hereby are, incorporated and made a body corporate and politic by the name of the Boscawen Aqueduct corporation, and in that name may sue and be sued, prosecute and defend to final judgment and execution: And shall be and hereby are invested with all the powers and privileges, which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, That the said James West and Benjamin Morrill may call a meeting of said corporation, by posting up, at some public place in said Boscawen, a notice for that purpose, four days before said day of meeting; at which meeting said proprietors may choose a clerk, who shall be sworn to the faithful discharge of the duties of his office; and may also agree upon the method of calling future meetings; and may at the same or at any subsequent meeting elect such officers, and make and establish such rules and regulations for assessing and collecting the assessments on the shares in said corporation as to them shall seem necessary and convenient; provided that such rules and regulations be not repugnant to the constitution and laws of this State.

Section 3. And be it further enacted, That said corporation may by deed take, hold and enjoy, all such real estate as may be conveyed to them, and may be necessary and convenient to them in laying down the said Aqueduct, and may take, hold and enjoy personal estate not exceeding one thousand dollars in amount, and the same may sell and dispose of at pleasure.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT REGULATING THE SELECTION AND SERVICES OF GRAND AND PETIT JURORS.

[Approved July 4, 1827. Acts, vol. 24, p. 181. Session Laws, 1827, Chap. 42. Laws, 1830 ed., p. 464. This act repeals acts of June 17, 1785, Laws of New Hampshire, vol. 5, p. 67; February 8, 1791, id., p. 584; December 6, 1800, id., vol. 6, p. 655; December 10, 1800, id., p. 677; June 19, 1806, id., vol. 7, p. 536; December 20, 1808, id., p. 731, and November 5, 1813, id., vol. 8, p. 277. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the passing of this act it shall be the duty of the Selectmen of each town, and each place having the privileges and powers of a town to make a list annually in the month of December of such persons being inhabitants of their respective towns, of good moral character, and having a freehold of the value of one hundred and fifty dollars, or other estate of the value of two hundred dollars, as they shall judge most suitable and best qualified to serve as jurors, excepting the Governor, the Judges and clerks of the common law courts, the secretary and treasurer of the State, judges and registers of probate, registers of deeds, sheriffs and their deputies, counsellors and attorneys at law, ordained ministers, and practicing physicians and surgeons. Provided however, That said list shall in no case contain the names of more than twelve persons, in towns containing less than one hundred and fifty rateable polls, twenty in all other towns containing less than three hundred, twenty five in all other towns containing less than four hundred, thirty in all other towns containing less than twelve hundred, and forty in all other towns containing more than twelve hundred rateable polls; and said list shall contain as nearly as may be the above numbers. And the list thus annually made by the selectmen shall be by them kept, and delivered over to their successors in office. And the selectmen shall write the names of the persons on said list upon separate pieces of paper and put them into a box to be provided by said selectmen for that purpose; which box shall be delivered to the clerk of the town or place to be by him kept under lock.

Section 2. And be it further enacted, That the venire facias, for jurors, shall be issued by the clerks of the Superior court of judicature, and of the Court of Common Pleas forty days at least before the day of the sitting of the court to which it is returnable; and shall be directed to the clerk of the town or place, requiring him to cause so many persons to be selected and returned, of those

duly qualified within the town or place of which he is clerk, as shall be mentioned in the venire; and the clerks of the respective courts shall deliver the venires for the selection of jurors to the town clerks to whom they may be directed at least twenty five days before the sitting of the court to which they may be returnable, or to the sheriff of the county, at least forty days before the sitting of the same court. And the sheriff shall cause all venires which may be seasonably delivered to him, to be delivered to the town clerks respectively at least twenty five days before the sitting of the court to which they may be returnable. And if any clerk or sheriff shall make default herein, he shall be fined by the court, where the same default shall be made for each offence in a sum not exceeding twenty dollars. And the town clerk upon receiving the venire shall by warrant under his own hand notify in the usual form and manner the inhabitants of the town qualified to vote in town affairs, and particularly the selectmen, whose duty it shall be to attend, to assemble and be present at the selection of the number of jurors mentioned in the venire; which meeting shall be held, not more than twenty nor less than six days before the sitting of the court to which the venire shall be returnable.

Section 3. And be it further enacted, That for the more orderly proceeding at such meeting, the qualified voters in town affairs who shall be present, shall choose a suitable person to be moderator of the meeting, and until a moderator shall be chosen, the town clerk, whose duty it shall be to attend the meeting, or in case of his absence one of the selectmen, shall govern the meeting. And that a selection of jurors may be fairly and impartially made, the town clerk, or in case of his absence one of the selectmen, shall carry into the said meeting the said box, locked, which shall be there unlocked, and the pieces of paper containing the names as aforesaid mixed by the town clerk or one of the selectmen; and the moderator of the meeting shall draw from the box, which shall be held at the time by the town clerk or one of the selectmen, in such manner that the pieces of paper containing the names as aforesaid cannot be seen by the moderator, so many pieces of paper as there shall be jurors required by the venires. And the persons, whose names shall be upon the pieces of paper thus drawn shall be returned to serve as jurors. And the town clerk shall make a record of the doings of the said meeting which shall state the time of holding it, the name of the moderator and the name or names of the person or persons drawn to serve as jurors as aforesaid. And the persons, whose names may be thus drawn shall not have their names again in said box at any time within two years from the time when they may be so drawn as aforesaid.

Section 4. And be it further enacted, That previously to the carrying of the said box into any meeting as aforesaid, the selectmen shall inspect the list of persons whose names are in the box,

and if any person or persons, whose name or names may be upon said list and may have been put into the box as aforesaid, shall have deceased, have removed from the town, or become in any way disqualified, unable or unfit to serve as a juror, the name or names of such person or persons shall be withdrawn from the box, and the names of other persons duly qualified substituted.

Section 5. And be it further enacted, That the town clerk shall send a notice in writing, by the hand of the constable, or deliver the same, to the person or persons selected as aforesaid, which notice shall be delivered to them respectively or left at their respective places of abode at least four days before the sitting of the court at which they are to serve, and shall state the time when their names were drawn, the court at which they are to attend and the day and hour when they are to appear. And the town clerk shall certify to the clerk of the court from which the venire issued, on the back thereof, the names of the persons selected to serve as aforesaid, and that they have been notified as aforesaid, and shall cause the venire to be returned to the clerk of the court at or before the hour when the jurors may have been notified to attend as aforesaid.

Section 6. And be it further enacted, That if any person selected and notified as aforesaid, to attend as aforesaid, shall unnecessarily and without sufficient cause neglect to attend agreeably to the notice given to him, he shall be fined by the court by whose order the venire issued in a sum not exceeding twenty dollars.

Section 7. And be it further enacted, That if any town clerk, having received such precept from the clerk of either of the courts aforesaid, shall neglect to warn a meeting of the inhabitants of his town qualified as aforesaid, or shall neglect to notify and summon the persons selected as jurors as aforesaid, or shall not make due return of the precept to him directed with his doings thereon, he shall pay such fine as the court, by whose order the venire issued, in their discretion, may impose, not exceeding twenty dollars. And if the selectmen of any town shall wilfully neglect to make a list as aforesaid, or to put the names of the persons upon the list into the box as aforesaid, or shall neglect to regulate the box as aforesaid, previously to its being carried into any meeting, or shall put upon the list a greater number of names than is by law allowed, or shall put into the box the name of any person not duly qualified, or shall put upon the list the name of any person at his own request, or at the request of any other person, or shall withdraw from the box within the year the name of any person who shall have been legally put upon the list without sufficient cause, or shall be guilty of any fraud or collusion with respect to the drawing of the jurors to serve as aforesaid, every selectman so offending shall forfeit the sum of fifty dollars for each offence to be recovered by indictment, for the use of the town where the offence shall be committed. And if any moderator of any meeting held for the pur-

pose aforesaid shall, at such meeting, draw from the box a greater number of names than the number mentioned in the venire, or shall be guilty of any fraud or collusion in drawing the same, or shall return to the box any name duly drawn and draw another in lieu of it, every moderator so offending shall forfeit for each and every such offence the sum of fifty dollars, to be recovered by indictment for the use of the town where the offence shall be committed.

Section 8. And be it further enacted, That if a sufficient number of grand jurors do not appear, the court may order the sheriff to return grand jurors of such persons present as occasion shall require, and the court shall judge necessary; provided the number wanted do not exceed five; and the sheriff is hereby ordered and directed to do the same accordingly.

Section 9. And be it further enacted, That the Justices of the respective courts aforesaid are hereby directed upon motion from either party in the cause to be tried, to put a juror to answer upon oath, whether returned as aforesaid or as a talisman, whether he expects to gain or lose by the issue of the cause then pending? whether he is in any way related to either party? and whether he has been of counsel to either party, or directly or indirectly given his opinion, or is sensible of any prejudice in the cause? And if it shall appear to the court that such juror does not stand indifferent in said cause, he shall be set aside from the trial of that cause and another appointed in his stead. And the Sheriff and coroner respectively are hereby authorized to fill up a jury by returning talismen as the case may require

Section 10. And be it further enacted, That upon any emergency a sufficient number of jurors may be appointed and summoned while said courts respectively are sitting. And the venire shall be issued to the clerk of the town or place immediately, and the names drawn according as this act directs. And in such cases the clerk of the town or place shall warn a meeting forthwith, and the number of jurors required in the venire shall be immediately drawn as aforesaid, and notified to attend the service of the court from whence the venire issued, which shall be returned as soon as may be. And the jurors so appointed and notified shall immediately attend accordingly, on the pains and penalties aforesaid in case of neglect so to do. And the town clerks shall be paid for the services enjoined them by this act what is reasonable, by the towns and places in which they serve yearly.

Section 11. And be it further enacted, That the number of jurors to be summoned at each term, and the towns to which the venires shall be directed for that purpose, shall be regulated by the said courts respectively. Provided, that each town in the respective counties, shall be required in the course of each year to furnish its due proportion of jurors. And each talisman shall be allowed the sum of one dollar and twenty five cents for each day's attendance.

Section 12. And be it further enacted, That the act entitled "an act regulating the choice and service of grand jurors" passed on the eighth day of February 1791; an act entitled "an act relative to grand jurors" passed on the sixth day of December 1800; an act entitled "an act directing the appointment and choice of grand jurors" passed on the twentieth day of December 1808; an act entitled "an act directing and regulating the appointment and choice of petit jurors," passed on the seventeenth day of June 1785; an act entitled "an act making compensation to grand and petit jurors" passed on the tenth day of December 1800; an act entitled "an act to repeal the last section of an act entitled an act making compensation to grand and petit jurors," passed on the nineteenth day of June 1806; and an act entitled "an act in amendment of the laws now in force directing and regulating the appointment and choice of grand and petit jurors," passed on the fifth day of November 1813, be and they are hereby repealed. Provided however, That this act shall not be in force and take effect until the first day of December next.

[CHAPTER 43.]

State of }
New Hampshire. }

AN ACT FOR RAISING FORTY THOUSAND DOLLARS FOR THE USE OF THE STATE.

[Approved July 5, 1827. Acts, vol. 24, p. 197. Session Laws, 1827, Chap. 43.]

Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be raised for the use of this State, the sum of forty thousand dollars, which sum shall be assessed, collected, and paid into the Treasury, on or before the first day of December in the year of our Lord one thousand eight hundred and twenty eight. And the Treasurer is hereby directed seasonably to issue his warrants to the Selectmen or Assessors of the several towns, parishes and districts within this State, according to the last proportion act; and the said Selectmen and Assessors, are hereby respectively required to assess the sums specified in the warrants of the Treasurer, and to cause the same to be paid into the Treasury on or before the first day of December, in the year of our Lord, one thousand eight hundred and twenty eight. And the Treasurer may issue extents for all taxes which shall then remain unpaid.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING PROBATE COURTS WITHIN AND FOR THE COUNTY OF ROCKINGHAM

[Approved July 5, 1827. Acts, vol. 24, p. 199. Session Laws, 1827, Chap. 44. See acts of June 29, 1819, Laws of New Hampshire, vol. 8, p. 811; December 15, 1824, *ante*, p. 318; July 6, 1826, *ante*, p. 532; June 16, 1831, Session Laws, 1831, Chap. 24; June 23, 1832, *id.*, 1832, Chap. 82, and July 2, 1833, *id.*, 1833, Chap. 120.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the Probate Court within and for the County of Rockingham, shall hereafter be holden at the following times and places in said County. At Exeter, on the Wednesday following the second Tuesday in each and every month. At Portsmouth, on the second Tuesday of January, March, May, July, September and November. At Derry on the first Tuesday of January, on the Thursday next following the first Tuesday of May; and on the first Tuesday of September annually. At Deerfield on Wednesdays following the first Tuesdays of January, May and September.

Section 2. And be it further enacted, That such part or parts, of all acts and resolves, as direct the Probate Court for the County of Rockingham to be held at other times, and places, than are hereby appointed, be and the same are hereby repealed.

Section 3^d. And be it further enacted, That it shall be the duty of the Judge and Register of Probate, within and for the County of Rockingham, to attend at the several times and places mentioned in the preceeding section for holding said Probate court; and the said Judge may adjourn the said Court from day to day, as he may consider necessary. Provided however that this act shall not be in force until the first day of September next.

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT PRESCRIBING THE DUTY AND DIRECTING THE MODE OF
 CHOOSING REGISTER OF DEEDS AND COUNTY TREASURERS, AND
 PROVIDING FOR THE PAYMENT OF COUNTY EXPENCES.

[Approved July 5, 1827. Acts, vol. 24, p. 201. Session Laws, 1827, Chap. 45. Laws, 1830 ed., p. 469. This act repeals acts of June 8, 1791, Laws of New Hampshire, vol. 5, p. 743, June 12, 1801, id., vol. 7, p. 23; June 10, 1802, id., p. 54; December 13, 1804, id., p. 349; June 29, 1815, id., vol. 8, p. 453; June 26, 1823, *ante*, p. 202, and July 3, 1823, *ante*, p. 247. See also acts of June 23, 1818, Laws of New Hampshire, vol. 8, p. 690; June 24, 1823, *ante*, p. 202, and June 25, 1830, Session Laws, 1830, Chap. 8. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be chosen annually on the second Tuesday of March, in each County in this State by the written, or printed, votes of such inhabitants of the several towns in said Counties respectively as are by the constitution qualified to vote for senators, a register of deeds, and a county treasurer. And the meetings of the said inhabitants for the purpose aforesaid shall be duly warned and holden in their respective towns, and be governed by a moderator, who shall in the presence of the selectmen, whose duty it shall be to attend, in open meeting, receive the votes of all the inhabitants present and qualified as aforesaid, and shall in presence of the selectmen and of the town clerk, in open meeting sort and count the said votes, and make a public declaration thereof with the name of every person voted for and the number of votes for each person, and the town clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof to be by him sealed up and directed to the justices of the Court of Common Pleas in the same County, with a superscription expressing the purport thereof, and shall transmit the same to the said justices on the first day of the sitting of said Court at the stated term next after the month of March in every year. And the votes being examined by said Court, the person having the highest number of votes for either of said offices shall be declared duly elected, and shall continue in office one year from the time of declaring the election, and until some person be chosen and qualified to enter upon the duties of the office.

Section 2. And be it further enacted, That if it shall so happen at any time that two or more persons of those having the highest number of votes, for either of said offices, shall have an equal number of votes the said court of Common Pleas shall appoint one of the persons so having an equal number of votes, who shall be declared duly elected.

Section 3. And be it further enacted, That no person shall be eligible to either of said offices who shall not be at the time of his election a freeholder and resident in the County in which he is chosen; and no person shall be considered as qualified to enter upon the duties of either of said offices until he shall have taken the oath by law prescribed for civil officers, and have given bond for the faithful discharge of the trust with such sureties and in such penal sum as the said Court shall order; which sum shall in no case be less than two thousand dollars nor more than fifty thousand dollars.

Section 4. And be it further enacted, That the said Court of Common Pleas shall have power to remove from office any person holding either of said offices for misconduct in the discharge of the duties thereof; and to declare said offices vacant, whenever the persons holding the same shall die, remove from the County, or become non compos mentis. And in case the person chosen into either of said offices in either of the ways before mentioned, shall decline to accept the office to which he may be elected, or shall be, at the time of declaring such choice, non compos mentis, or shall at said time have removed from the County, or shall have died before said choice is declared, and also in case of the death, resignation, or removal from office of any person holding either of said offices, the said Court of Common Pleas shall appoint some person to take the charge of the papers and books belonging to the office so vacant, and to perform the duties of the same office until a register of deeds or treasurer can be legally chosen by the people. And the person so appointed shall be a freeholder and resident in the county and shall before he begins the discharge of said duties be sworn and give bonds in the same manner that registers of deeds and County treasurers are herein-before required to be sworn and to give bonds. And the person so performing the duties of either of said offices shall be entitled to all the emoluments belonging to the same. And whenever it may be necessary in the opinion of the chief or first justice of said Court of Common Pleas, to appoint a special session of the same Court, for the purpose of examining and determining the necessity of declaring either of said offices vacant in any County the said chief or first justice is hereby authorized to appoint such special session to be holden at some convenient place either in the County where it may be deemed necessary to declare such vacancy to exist, or in any other County; and any two or more of the justices of said Court, convened at such session shall in the cases aforesaid have authority to declare either of said offices vacant in any County, and to appoint some person as aforesaid to execute the duties of the office as aforesaid.

Section 5. And be it further enacted, That the bonds to be given by the register of deeds, or by the person appointed as aforesaid to perform the duties of the office, shall be given to the County

by its corporate name and shall be for the benefit of the person or persons injured by the misconduct of the register of deeds in his said office, or of the person performing the duties of said office as aforesaid; and shall be put in suit by order of the Court of Common Pleas, and execution shall issue from time to time for all such sums as any person or persons shall have recovered judgment for against such register of deeds, or such person executing the duties of the office as aforesaid, and for which they shall not have otherwise obtained satisfaction. And the bonds given by the County treasurer, or the person appointed as aforesaid to perform the duties of the office, shall be given to the County, by its corporate name, and shall be for the use of the County and shall be put in suit by order of the said Court and execution shall issue on any judgment obtained thereon for all such sums not exceeding the amount of such judgment as the treasurer shall be in arrear in his account with the county, and the suit shall be commenced in an adjacent County. And the bonds given by the register of deeds or by the person appointed as aforesaid to perform the duties of the office, and the bonds given by the County treasurer, or by the person appointed as aforesaid to do the duties of the office of County treasurer shall be lodged with the clerk of said Court.

Section 6. And be it further enacted, That no clerk of any Court in this State shall at the same time be register of deeds and county treasurer, nor shall any person be at the same time register of Deeds and County Treasurer

Section 7. And be it further enacted, That it shall be the duty of the register of deeds to keep his office open daily in the same County, sundays excepted, and to keep the books, records, files and papers, to the said office belonging, and for the fees by law established, to record all deeds and instruments in said office to be recorded, that shall be brought to him for that purpose; and every deed received and filed by the register of deeds shall be recorded by him, and he shall not suffer the same to be taken out of the office until the same be recorded

Section 8. And be it further enacted, That the registers of deeds in the several Counties be directed and required to keep a general index referring to deeds. The index shall contain two lists one to consist of all the names of the grantors to the grantees, the other to consist of all the names of the grantees from the grantors. And as often as any deeds are recorded and at the time of recording the same, the names of the grantors and grantees shall be added to said lists as aforesaid. And any recorder of deeds who shall neglect to comply with these directions shall forfeit, for each and every neglect the sum of twenty dollars to be recovered by an action of debt in the name of the treasurer of the County for the use of the County.

Section 9. And be it further enacted, That it shall be the duty of the County treasurer to collect and receive all monies belonging and coming to the county and to improve and employ the same for the defraying of County charges in the manner by law prescribed. And the said county treasurer shall render a true account to said Court of Common Pleas, whenever thereto required, of all sums by him as county treasurer received and paid. And the said county treasurer shall issue his warrants to the selectmen of the several towns and places in his County liable by law to pay state taxes, requiring them to assess and cause to be collected their just proportion of all such sums as shall be legally voted, granted and agreed to be raised as a tax upon the same County. And in making said proportion, the said treasurer shall be governed by the existing laws establishing the proportion of public taxes among the several towns and places in this State. And the said treasurer may enforce the collection and payment of said several sums in the same manner as the State treasurer may and can by law enforce the collection and payment of outstanding state taxes. And the said Court of Common Pleas shall make the said County treasurer such allowance for his services in said office as to said Court shall seem reasonable.

Section 10. And be it further enacted, That the order of the Superior Court of Judicature or of the Court of Common Pleas respectively shall be a sufficient voucher for the payment out of the County treasury, of the travel and attendance of the grand jurors at the Superior Court, for the travel and attendance of the petit jurors at either of said Courts with the fees for venires and the fees of the clerks for examining and certifying the same and for the payment of all other sums necessary for the discharge of the claims of witnesses attending said Courts on behalf of the State for their travel and attendance, of the high sheriff and other officers for their attendance and services, and of all other charges and expences incident to the sittings of said Courts respectively and to the due administration of justice in the same. And for the payment from the County treasury of all other County charges, except in cases where the law may otherwise direct, the order of the Court of Common Pleas shall be a sufficient voucher.

Section 11. And be it further enacted, That the several County treasurers shall in the month of December annually, make out and certify to the judges of the Court of Common Pleas, at their next stated term in the Counties respectively a particular statement of the state of the treasury, and the said judges shall determine what monies are in their opinion necessary to be raised in the County for the year ensuing, stating in general the purposes for which such moneys are, or probably will be, needed. And the clerks of the several Courts of Common Pleas shall attend on the second wednes-

day of the session of the General Court in the month of June following, and lay the same with a particular statement of the expenditures and appropriation of the preceeding year, before the representatives of the county then assembled; who are hereby authorized and empowered, at such session of the General Court, to form themselves into a convention for the sole purpose of granting and appropriating taxes for their County; and they may at such convention choose a chairman, who is authorized to swear the clerk of the court attending, or in case of his necessary absence, appoint and swear some other person as clerk, who shall keep a true record of all matters and things done in such convention, and the taxes which shall be voted by such convention or a major part thereof attending shall be held good and valid in law, and may be assessed and collected by the County treasurers in the manner herein before prescribed. And the said judges of the Court of Common Pleas shall from time to time make orders on the treasurers of the respective counties for paying out such monies agreeably to appropriations made by such conventions where appropriations are by them made and for other necessary county charges when an overplus is granted for contingencies, and the several treasurers are hereby authorized to pay out monies accordingly.

Section 12. And be it further enacted, That the several County treasurers, be, and hereby are directed and required to make out and deliver to the clerks of the Court of Common Pleas in their respective Counties on or before the first day of June annually a statement of their accounts as treasurers as aforesaid for the year ending at the time of the then last annual settlement of said accounts, in which statement shall be specified the amount of monies paid out of the treasury for that year and the purposes for which such payments were made, and when payments have been made for the support of county paupers, the sum paid to each town; also all monies received into the treasury, from whom received, and for what purpose; and the said clerk of the Court of Common Pleas shall cause the same to be delivered to the Secretary of the State or left at his office on or before the second wednesday of June annually; which statement shall be published, by the respective clerks, in such newspaper as the Court of Common Pleas shall direct.

Section 13. And be it further enacted that whenever the justices of the Court of Common Pleas shall conceive that any lands belonging to any County ought to be sold for the benefit of such County, said justices are hereby empowered to authorize and direct the treasurer of said County to make, execute and deliver to any purchaser or purchasers of such lands a good valid conveyance thereof, and to receive of such purchaser or purchasers the consideration money directed by said justices to be named in such deed of conveyance, and said treasurer is hereby authorized to execute such deed and to receive said money, and is directed to deposite the

same in the treasury of said county to be appropriated in the manner by law authorized in other cases.

Section 14. And be it further enacted, That if any town Clerk shall neglect or refuse to make return of votes for register of deeds and county treasurer as by this act he is directed to do he shall forfeit and pay for every such neglect or refusal a sum not exceeding fifty dollars nor less than twenty dollars for the use of the county. And the clerks of the Court of Common Pleas as soon as may be after the return day of said votes in their respective counties shall give information to the Attorney General of all such neglects and refusals, that such offending town clerks, may be prosecuted by information, indict—or otherwise in any court proper to try the same. Provided that all prosecutions for penalties incurred by such neglect or refusal shall be commenced within six months from the return day of said votes as aforesaid.

Section 15. And be it further enacted, That an act entitled “an act prescribing the duty and directing the mode of choosing registers of deeds and county treasurers” passed on the eighth day of June 1791; an act entitled “an act in addition to and amendment of an act entitled an act prescribing the duty and directing the mode of choosing registers of deeds and county treasurers passed on the tenth day of June 1802; an act entitled “an act directing the recorders of deeds to make a general index of the deeds recorded” passed on the thirteenth day of December 1804, an act entitled “an act in addition to an act to abolish the courts of general sessions of the peace and to vest in the Courts of Common Pleas all the judicial powers, authorities and jurisdiction and all other powers except granting taxes heretofore by law vested in said courts of general sessions of the peace passed February 21. 1794,” passed on the twelfth day of June 1801; an act entitled “an act directing the mode of conveying lands belonging to any county in this State,” passed on the twenty ninth day of June 1815; an act entitled “an act to provide for the annual returns of the receipts and expenditures of the several counties in this State” passed on the third day of July 1823; and an act “entitled “an act in addition to an act entitled an act prescribing the duty and directing the mode of choosing registers of deeds and county treasurers,” passed on the twenty sixth day of June 1823, be, and they hereby are repealed, after the first day of December next; Provided nevertheless, That the said acts shall be, and continue, in force in relation to all proceedings had and instituted, all rights acquired, and penalties incurred under them before the said first day of December next.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED.

[Approved July 5, 1827. Acts, vol. 24, p. 217.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the passage of this act, the several persons herein named shall be called and known by the names which by this act they are respectively allowed to assume, viz. Charles Augustus Woods, of Sullivan, may take the name of Enoch Charles Augustus Woods; that Ebenezer W. Cutler of Fitzwilliam, may take the name of Benson White; that Rufus King Copp of New Durham, may take the name of Rufus Horne King; that John Edward Holyoke Hopkins, of Portsmouth, may take the name of John Edward Hopkins Holyoke; That Mary Barns Holyoke Hopkins of Portsmouth may take the name of Mary Barns Hopkins Holyoke; that Nathaniel Folsom, of Portsmouth, may take the name of Nathaniel Rindge Folsom; That Mark Kenison of Tuftonborough, may take the name of Mark Roberts; that Adam Kenison of Tuftonborough, may take the name of Adam Roberts; that William Neal Kenison of Tuftonborough, may take the name of William Neal Roberts; that Joseph Alcock of Hillsborough may take the name of Joseph Phipps, that Lucy Alcock, wife of the aforesaid Joseph Alcock, may take the name of Lucy Phipps; that Elbridge Gerry Alcock of Hillsborough may take the name of Elbridge Gerry Phipps; that Joseph Alcock, Junior, of Hillsborough may take the name of Joseph Phipps; and the same shall be considered as their only proper and legal names.

[CHAPTER 47.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE CANDIA SACRED MUSIC SOCIETY

[Approved July 5, 1827. Acts, vol. 24, p. 219.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Isaiah Lane, Nathaniel Wheet, Samuel Cass, Daniel Fitts, Junior, Samuel Buswell, Lowell B. French, Coffin M. French, Henry M. Eaton and Ezekiel Lane,

their associates and successors be, and they are hereby made a body politic and corporate, by the name of the Candia Sacred Music Society, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and privileges, and subjected to all the liabilities incident to corporations of a similar nature, and may receive, purchase and hold personal estate to any amount not exceeding one thousand dollars, for the purposes of said society, and the same may sell, convey, and dispose of at pleasure.

Section 2. And be it further enacted, That the said Isaiah Lane, Nathaniel Wheet and Samuel Cass, or any two of them, may call the first meeting of said Society, by posting up a notice at the Congregational meeting house in said Candia, or by giving personal notice to each member aforesaid of the time and place and design of said meeting at least ten days before said meeting, at which, or at any subsequent meeting of said society, duly holden, the members may make any by laws for the regulation and government of said society, not repugnant to the laws of this State, and do and transact any business necessary to carry into effect the objects of said association.

[CHAPTER 48.]

State of }
New Hampshire. }

AN ACT TO CONSTITUTE A NEW COUNTY IN THIS STATE BY THE NAME OF SULLIVAN, AND TO PRESCRIBE THE TIMES OF HOLDING THE COURTS IN THE COUNTIES OF MERRIMACK AND CHESHIRE.

[Approved July 5, 1827. Acts, vol. 24, p. 221. Session Laws, 1827, Chap. 48. See acts of December 13, 1796, Laws of New Hampshire, vol. 6, p. 371; June 16, 1824, and June 28, 1825, *ante*, pp. 287, 412. Repealed by act of January 2, 1829, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there be, and hereby is, constituted and established a County within this State by the name of Sullivan, and that the same be and hereby is vested with all the powers, privileges and immunities which other Counties in this State possess and enjoy; Provided that in the choice of Counsellors, the Counties of Cheshire and Sullivan shall form one Council district.

Section 2. And be it further enacted, That said County of Sullivan shall contain all the land and waters included in the following towns and places, which now constitute a part of the County of Cheshire, to wit: Acworth, Charlestown, Claremont, Cornish, Croydon, Grantham, Goshen, Lempster, Langdon, Newport, Plainfield,

Springfield, Unity, Washington and Wendell; and that said towns be and they are hereby disannexed from the County of Cheshire.

Section 3^d And be it further enacted, That the Superior Court of Judicature shall be holden at Newport in said County of Sullivan on the first Tuesday of January and the first Tuesday of August annually, and that the Court of Common Pleas shall be holden at Newport in said County on the third Tuesday of April, and the first Tuesday of November annually, and a Court of Probate shall be holden at such times and places as the Judge of said Court may determine, or as the Legislature may appoint, which shall have similar jurisdiction, and possess like powers and privileges with other courts of Probate in this State. And the term of the Superior Court of Judicature now holden at Newport on the first Tuesday of May annually, and the term of the Court of Common Pleas now holden at Charlestown on the third Tuesday of September annually, shall respectively hereafter be holden at Keene within and for the County of Cheshire annually, on the several days aforesaid. Provided however, That the term of the Court of Common Pleas, to be holden at Charlestown on the third Tuesday of September next, shall be then holden for the County of Cheshire at said Charlestown, and all writs, venires, recognizances, appeals warrants and processes of every kind made returnable to said term of said Court of Common Pleas shall be returned, have day be heard, tried, and judgment be rendered and executions, and other process issued in the same way and manner as though this act did not take effect until the first day of October next.

Section 4. And be it further enacted, That instead of the times of holding the terms of the Superior Court of Judicature, and Court of Common Pleas in the County of Merrimack as now established, the Superior Court of Judicature shall be holden at Concord in said County on the third Tuesday of January and the third Tuesday of August, and the Court of Common Pleas shall be holden at said Concord on the first Tuesday of April, and the third Tuesday of October annually, and all writs, venires, recognizances, appeals, indictments, warrants and processes of every kind issued before this act takes effect, and made returnable to either of the terms of said Courts in said County of Merrimack, shall be returned to the terms of the respective courts next to be holden in said County according to this act, and be sustained therein in the same way and manner as if the same had been made returnable at the terms herein specified.

Section 5. And be it further enacted, That the Judge and Register of Probate, Sheriff, Register of deeds, County treasurer, and all other officers, for and within said County of Sullivan, shall be appointed and chosen in the same manner as by the constitution and laws of this State they are required to be appointed and chosen in other counties thereof.

Section 6. And be it further enacted, That the representatives of the several towns composing said County of Sullivan, are hereby authorized and empowered to form themselves in conventions in the same way and manner as the representatives of other Counties are authorized to form conventions for the purpose of granting and appropriating taxes for defraying the expenses of said County, to be assessed and collected in the same way and manner that county taxes are assessed and collected in the other Counties of this State. And said Convention shall be vested with all the powers of the Conventions of other Counties in this State.

Section 7. And be it further enacted, That all actions and suits which shall be pending or returnable to the Superior Court of Judicature in the County of Cheshire at the time when this act takes effect, and all actions and suits which shall be pending or returnable to the Court of Common Pleas in the County of Cheshire on the first Tuesday of October next, in which both parties shall belong to any of the towns in said County of Cheshire, shall remain and be heard and determined at the Courts to be holden in said County of Cheshire. And all actions and suits pending or returnable to said courts at their respective terms aforesaid in which both parties shall live in any towns within the said County of Sullivan, shall be removed to and be heard and determined by the said Courts respectively within the County of Sullivan, in the same way and manner as though the same had been commenced and made returnable to said Courts in said County of Sullivan. And all other actions, processes and matters, pending or returnable in said Courts for the County of Cheshire as aforesaid at the times aforesaid, shall be returned to, heard and determined in the Courts in said County of Cheshire in which the same is pending or to which the same is returnable, unless the justices of either of said Courts shall otherwise order, any of said actions so pending in either of said Courts respectively to be removed to the said County of Sullivan, there to be heard and determined as aforesaid.

Section 8. And be it further enacted, That all matters pending in the Probate Courts for said County of Cheshire, or necessary to be transacted in the Probate Courts relative to the settlement of any estate on which administration shall have been granted, or where any will shall have been presented for approval and allowance before the first Tuesday of September next, shall be done and transacted at the Probate Courts within and for the County of Cheshire, and under the order, direction and adjudication of the Judge of Probate for the time being, of said County of Cheshire, in the same way and manner as if this act had not been passed. And all records and files of public documents belonging to said County of Cheshire at the time this act takes effect shall belong to the County of Cheshire and be delivered over to the proper officers within and for said County.

Section 9. And be it further enacted, That all the estate, property and County buildings now belonging to the County of Cheshire, which shall remain in the County of Cheshire, shall be the property of said County of Cheshire; and all the estate and property except the records and files and public documents aforesaid and the County buildings belonging to said County of Cheshire falling and being within the County of Sullivan shall be the property of said County of Sullivan. And the balance of all monies voted to be raised and assessed for the County of Cheshire by the conventions of that County held in June A.D. 1826 and June A.D. 1827, after paying and discharging the debts due from said County of Cheshire at the time this act takes effect, and also the expences of the Court of Common Pleas to be holden at Charlestown on the third Tuesday of September as aforesaid, shall be divided under the direction of the Judges of the Court of Common Pleas, between the Counties of Cheshire and Sullivan in proportion to the sums raised and collected from the several towns in the respective Counties; and the taxes as aforesaid raised and assessed in June A.D. 1826, shall be collected and paid into the treasury of the County of Cheshire; and the proportion of the tax so as aforesaid voted to be raised and assessed in June A.D. 1827 which is to be paid by the towns remaining in the County of Cheshire shall be assessed and collected under the authority of the County of Cheshire and paid in to the treasury thereof in the same way and manner as if this act had not been passed; and the proportion of the tax aforesaid which is to be paid by the towns in the County of Sullivan shall be assessed and collected under the authority of the County of Sullivan, in the same way and manner as if said tax had been voted and raised by a convention of said County, and shall be paid into the treasury thereof. And the Judges of the Court of Common Pleas, on adjusting the accounts between said Counties, as herein before prescribed, shall order the treasurer of the County from which a balance shall be found due to the other, to pay the same to the treasurer of said other County, which shall be paid over by said treasurer, according to said order. And any collector of taxes in any town within the County of Sullivan to whom any list of taxes shall have been committed prior to the passage of this act, and who has not completed his collection, shall be and hereby is authorized to proceed in collecting said taxes in the same manner as if said County had not been formed, except that the commitment of delinquents shall be to the gaol in said County of Sullivan, instead of the gaol in the County of Cheshire.

Section 10. And be it further enacted, That the Justices of the Court of Common Pleas shall appoint some suitable person to perform and discharge the duties of a County treasurer, and also some suitable person to discharge and perform the duties of a register of deeds in and for said County of Sullivan, both of whom shall

be freeholders and residents in said County, who shall be sworn and give bonds previous to their entering upon the duties of their respective offices, in the same way and manner as is now prescribed by law; and such treasurer and register of deeds, so appointed and qualified as aforesaid, shall thereupon be invested in their respective offices, with all the powers incident thereto in the same manner as if such treasurer and register had been appointed thereto at an annual election, and shall hold their respective offices until persons shall be chosen, at the next annual election and qualified to enter upon the duties thereof.

Section 11. And be it further enacted, That instead of the salaries now by law established, there shall be paid to the Judge of Probate for the County of Cheshire the sum of two hundred and twenty five dollars, and to the Register of Probate for said County of Cheshire the sum of three hundred dollars. And to the Judge of Probate for the County of Sullivan the sum of one hundred and fifty dollars, and to the Register of Probate for said County of Sullivan the sum of two hundred dollars.

Section 12. And be it further enacted, That all acts, and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

Section 13. And be it further enacted, That this act shall not take effect until the first Tuesday of September next. Provided however, That the same shall be so far effective that all officers within and for said County of Sullivan may be appointed and commissioned at any time after its passage.

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE UNITED FRATERNITY.

[Approved, July 6, 1827. Acts, vol. 24, p. 237.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That David Pillsbury, John B. Richardson, Jonathan R. Thompson, Moses Norris Junior, William H. Freeland, Kendrick Metcalf and Oliver M. Smith, together with all the existing members of said society and all who may hereafter become members of said society, shall be and they hereby are created and made a Corporation by the name of the United Fraternity, with all the powers and privileges, and subject to all the liabilities incident to Corporations of a similar nature; Provided that the by laws ordinances and regulations of said Society shall not be repugnant to the laws of this State or to the laws of Dartmouth College.

Section 2. And be it further enacted, That the said Corporation is made capable in law to have, hold and enjoy all the books furniture and property belonging to said Society, at the time of the passage of this act, and also all such books, furniture apparatus, money and other property as shall hereafter be given or bequeathed to them, or purchased for the purposes of said Society; and is also made capable in law to purchase, receive and hold for themselves and their successors, lands in the vicinity of said Dartmouth College, or such other place as the Society may elect, to the amount of one fourth of an acre for the purpose of erecting a building or buildings for a Library, with power to sell and convey the same; and may at any time erect such buildings thereon, as may be necessary for that purpose; provided always, that said Corporation shall never assess or collect in any way, directly or indirectly, as a tax any money, books or property for the purpose of increasing the Library of the same, of any member of said Corporation while a minor, without first obtaining the approbation of the parent or guardian of said minor. Provided also that no taxes are ever to be assessed upon any except members of said College, nor shall any tax be assessed, and collected except for the purpose of defraying the ordinary expenses of the Society, unless by the unanimous consent of all the members present and voting on such assessment.

Section 3. And be it further enacted, that the first meeting of said Corporation shall be held at the Society Hall in Dartmouth College, on the last Wednesday of July next, at four o'clock P.M. and that David Pillsbury and John B. Richardson shall give notice of said meeting by advertising in the New Hampshire Journal, fifteen days prior to said day of meeting; and at that and all subsequent meetings, held pursuant to such regulations as the Corporation may establish, a majority of members, who may be present, may choose all such officers as they may think necessary, and make, ordain and establish all such by-laws and regulations, as may be necessary for the well ordering of the affairs of said Corporation; and may do all other business of said Corporation whatever. Provided always, that no vote, by-law or regulation diverting or defeating any of the original purposes of said Society, or disposing of the books or property, or converting the same to any other than the original purpose for which they were bestowed and collected, shall be valid without the express approbation, in person, or by proxy, of a majority of the existing members of said Society at the time of passing the vote.

Section 4. And be it further enacted, That any existing member of said Society, who does not elect to become a member of said Corporation, shall not by this act be deprived of any of the rights, privileges or immunities belonging or apertaining to him, as such member of said Society; but shall have full power and authority

to vote in all questions, relating to the disposition of the Library and property of said Society, in the same way and manner as though this act had not passed.

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE COURT OF COMMON PLEAS TO LIBERATE PRISONERS IN THE COUNTY GAOLS IN CERTAIN CASES.

[Approved July 6, 1827. Acts, vol. 24, p. 241. Session Laws, 1827, Chap. 50. Laws, 1830 ed., p. 475. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That whenever any person, under conviction for any criminal offence, shall be holden in any of the County gaols, for the non payment of any fine and costs or costs only, and such person shall be unable to pay the same or any part thereof, or who shall have been ordered by the Superior Court, or Court of Common Pleas, to procure any surety or sureties for the payment of any sum or sums of money, and shall be held in confinement, through his or her inability to procure such surety or sureties, the Court of Common Pleas, on satisfactory evidence thereof, may, if they think proper, remit such fine and costs, or any part thereof, and discharge such prisoner on such terms and conditions as to them may appear just and reasonable

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE WENTWORTH MEETING HOUSE ASSOCIATION.

[Approved July 6, 1827. Acts, vol. 24, p. 243.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Caleb Keith, Thomas Whipple, Jr. Jonathan Eames, John Page, John T. Sanborn, John Currier, Aaron Jewett, Jr. Enoch Page Junior and Moses Eaton, Jr. and their associates and successors, be, and they hereby are made a corporation by the name of the Wentworth Meeting house association, and by that name may sue and be sued, prosecute and defend to final judgment and execution; may make by laws suitable for

their regulation and government not repugnant to the laws of this State, and for the sole purpose of erecting and repairing a meeting house and holding the same, with the land necessary therefor; may hold real and personal estate not exceeding five thousand dollars.

Section 2. And be it further enacted, That Caleb Keith, Thomas Whipple, Jr. and Jonathan Eames, or any two of them, may call the first meeting of said corporation by posting up a written notice thereof stating the time, place and object of said meeting at the dwelling house of Daniel S. Smith in the town of Wentworth in the County of Grafton, at least fourteen days before the time of holding the same.

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE KEEPING AND SELLING AND TRANSPORTING OF GUNPOWDER.

[Approved July 6, 1827. Acts, vol. 24, p. 245. Session Laws, 1827, Chap. 52. Laws, 1830 ed., p. 278. See acts of February 18, 1794, Laws of New Hampshire, vol. 6, p. 152, and June 21, 1820, id., vol. 8, p. 907. This act repeals act of July 2, 1825, *ante*, p. 461. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall not at any time be kept in any ware house, store, shop or other building in the compact part of any town or village in this State, a quantity of gunpowder greater than one quarter cask or twenty five pounds, and any person or persons so keeping a greater quantity shall forfeit and pay for every day during which such greater quantity shall be kept as aforesaid a sum not exceeding five dollars, nor less than one dollar, to be sued for and recovered by the firewards or selectmen in an action of debt in the name of the town, before any justice of the peace, or Court proper to try the same, with costs of suit. And the whole of said forfeiture so recovered shall be for the use of the town, to be expended by the firewards or selectmen, in purchasing materials necessary and proper to be used for the extinguishing of fires.

Section 2. And be it further enacted, That the firewards or a maior part of them, or the selectmen of any town, are hereby authorized and empowered to search any ware house, store, shop or other building in the compact part of any town or village in this State where they have cause to suspect that gunpowder in a greater quantity than one quarter cask or twenty five pounds may be kept or stored, and in case of finding any gunpowder kept as aforesaid

in a quantity greater than one quarter cask or twenty five pounds, the said firewards or selectmen are hereby authorized and empowered to seize the same, and the said gunpowder so kept and stored contrary to the provisions of this act shall be forfeited to the town, and the firewards or selectmen so finding and seizing the same shall sell said gunpowder at auction, and the avails thereof to be expended for the purposes aforesaid.

Section 3. And be it further enacted, That every person keeping gunpowder to sell by retail in any quantity less than one quarter cask or twenty five pounds, and who shall not at all times keep the same in a tin canister or canisters, or other incombustible vessel or vessels covered and secured from fire, or if said gunpowder be kept in a wooden cask or casks, said cask or casks shall be enveloped in substantial and close leathern bags or sacks, shall forfeit and pay for each and every day he, she or they shall so keep it, a sum not exceeding five dollars nor less than one dollar, to be sued for and recovered in the manner, and for the purposes aforesaid.

Section 4. And be it further enacted, That gunpowder shall not be transported or carried through the compact part of any town or village in any cart, waggon or other open carriage, in a quantity greater than four quarter casks or one hundred pounds, at any one time, nor unless the casks containing the gunpowder so transported be enveloped in substantial leathern bags or sacks, and any person or persons transporting gunpowder as aforesaid in a greater quantity and without being enveloped as aforesaid, except the same be conveyed in a closely covered carriage, shall forfeit and pay a sum not more than fifty dollars nor less than fifteen dollars to be sued for and recovered in the manner and for the purposes aforesaid. And no cart, waggon or other carriage shall be permitted to stand in any shed, barn, or other building, or near any store, dwelling house or other building in the compact part of any town or village, upon which there may be a greater quantity than one quarter cask or twenty five pounds of gunpowder, and in case any gunpowder shall be found upon any cart, waggon or other carriage contrary to the provisions of this act, any fireward or selectmen of the town where found may seize the same and cause it to be sold as gunpowder that may be found contrary to the provisions of this act.

Section 5. And be it further enacted, That no person shall at any time transport or carry from town to town, or from place to place any gunpowder for the purpose of peddling or selling it by retail in quantities less than twenty five pounds, on penalty that the owner or owners or person or persons selling or offering it for sale shall forfeit and pay for every offence a sum not more than five dollars nor less than one dollar, to be sued, for and recovered in the manner and for the purposes aforesaid.

Section 6. And be it further enacted, That if any person or persons shall sell or offer for sale by retail any gunpowder in any highway, or in any street, lane or alley, or on any wharf or parade or common, such person or persons so offending shall forfeit and pay for each and every such offence a sum not more than five dollars nor less than one dollar, to be sued for and recovered, and for the purposes aforesaid.

Section 7. And be it further enacted, That if any person or persons shall within this State in the night time between sun setting and sun rising sell or offer to sell by retail, or deal out any gunpowder, such person so offending shall forfeit and pay for each and every such offence a sum not more than five dollars nor less than one dollar, to be recovered and applied as aforesaid.

Section 8. And be it further enacted, That all prosecutions against this act shall be commenced within three months after the offence shall have been committed and not afterwards.

Section 9. And be it further enacted, That an act passed July 2^d 1825, entitled "an act to regulate the keeping and selling and transporting gunpowder" be and the same is hereby repealed. Provided that nothing herein contained shall affect any rights acquired, or liabilities incurred under said act.

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT TO EXEMPT PEWS IN CERTAIN CASES FROM ATTACHMENT AND EXECUTION, EXCEPT FOR TAXES ASSESSED BY THE PARISH.

[Approved July 6, 1827. Acts, vol. 24, p. 257. Session Laws, 1827, Chap. 53. Laws, 1830 ed., p. 481. See acts of December 11, 1812, Laws of New Hampshire, vol. 8, p. 162, and July 2, 1825, *ante*, p. 464. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the passage of this act, the interest which any debtor may have in one pew, in the meeting house, where the said debtor usually worships, shall be exempt from attachment and execution; except for taxes assessed by the parish or society, on said pew or debtor. Provided, that nothing herein contained shall be construed to affect any attachment in any action now depending in any court of law in this State.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF WAKEFIELD ACADEMY.

[Approved July 6, 1827. Acts, vol. 24, p. 259.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Josiah H. Hobbs, William Sawyer, Junior, Joseph P. Wiggin, Alvah H. Sawyer, Henry L. Wiggin, George W. Carter, Ichabod Richards, Charles Carter, William Sawyer, Elisha Rollins, Porter K. Wiggin and Thomas Lindsay, Junior, and their Successors, be, and they hereby are incorporated and made a body politic by the name of the Trustees of Wakefield Academy, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers and privileges, which by law are incident to corporations of a similar nature, and may have a common seal and the same may alter at pleasure.

Sect. 2. And be it further enacted, That said Trustees are hereby made capable in law to acquire and hold in fee simple, or any less estate, by gift, grant or otherwise, any real estate, not exceeding ten thousand dollars in value, and personal estate not exceeding three thousand dollars, and the same may use and employ for the promotion of science and the useful arts, and for the benefit of said institution may sell and dispose of the same at pleasure.

Sect. 3. And be it further enacted, That the said Academy be and hereby is established in the Town of Wakefield, at Wakefield Corner in the County of Strafford.

Sect. 4. And be it further enacted, That said Trustees may establish orders and regulations for the government of said institution, not repugnant to the laws of this State, and may direct the management and application of its funds, and control the concerns of the institution, in such manner, as shall best promote the interest thereof.

Sect. 5. And be it further enacted, That said Josiah H. Hobbs, William Sawyer, Junior, and Joseph P. Wiggin or any two of them, may call the first meeting of said Trustees, to be holden at any suitable time and place in said Wakefield, by posting up a notification for that purpose, at said Wakefield Corner, at least fifteen days prior to said day of meeting: any number of said Trustees, not less than seven, being hereby made a quorum for the transaction of any business of said Corporation; at which said first meeting, or at any adjournment thereof, they may agree on the manner

of calling their annual and other meetings; may elect such officers as they may deem expedient, and at the same or at any subsequent meeting legally holden, may adopt by-laws and do and transact any business necessary and proper to carry into effect the purposes of this act.

Sect. 6. And be it further enacted, That any vacancy or vacancies, happening in said board of Trustees by death or otherwise, may be filled by a majority of the remaining Trustees, at any meeting of said Trustees duly notified for that purpose.

[CHAPTER 55.]

State of }
New Hampshire. }

AN ACT TO ANNEX THE TOWN OF DERRY TO SENATORIAL DISTRICT NUMBER THREE; ALSO TO ANNEX THE MILITIA IN THE TOWN OF DERRY TO THE EIGHTH REGIMENT.

[Approved July 6, 1827. Acts, vol. 24, p. 261. Session Laws, 1827, Chap. 55. Laws, 1830 ed., p. 313.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the town of Derry in the County of Rockingham be, and hereby is, annexed to, and made a part of the Senatorial District number three.

Section 2. And be it further enacted, That the militia companies and parts of companies in said town of Derry, be and hereby are annexed to and made a part of the eighth Regiment.

[CHAPTER 56.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE WEIGHING OF MERCHANDIZE AND OTHER COMMODITIES.

[Approved July 6, 1827. Acts, vol. 24, p. 263. Session Laws, 1827, Chap. 56. Laws, 1830 ed., p. 481. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That from and after the first day of September next, all commodities which now are, and have heretofore usually been sold, by the hundred and twelve pounds, or hundred weight avoirdupois, shall, when exposed for sale and actually sold, be weighed by decimal hundreds and pounds of avoird-

dupois; and all contracts thereafter made concerning the weight of goods or commodities, heretofore weigh'd by the hundred weight or one hundred and twelve pounds avoirdupois, shall be understood and construed to intend the same in decimal hundreds and pounds avoirdupois.

Section 2. Be it further enacted, That it shall be the duty of every public weigher of goods or commodities to weigh the same by decimal hundreds and pounds, avoirdupois weight, where the same have heretofore been weighed by the hundred weight, or one hundred and twelve pounds avoirdupois, and to issue his certificate accordingly. And every such public weigher who shall offend against the provisions of this act, shall, for every such offence, forfeit and pay a fine of five dollars, together with the costs of prosecution, to be recovered before any Justice of Peace, upon complaint in behalf of the State. And every weigher of goods, or commodities appointed by any town under the laws of this State, as well as every weigher of goods or commodities for hire or reward, shall be deemed and taken to be a public weigher, so far as relates to the provisions of this act.

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT FOR THE SUPPORT AND REGULATION OF PRIMARY SCHOOLS.

[Approved July 6, 1827. Acts, vol. 24, p. 274. Session Laws, 1827, Chap. 57. Laws, 1830 ed., p. 427. This act partly repeals act of December 22, 1808, Laws of New Hampshire, vol. 7, p. 771, and wholly repeals act of June 27, 1818, id., vol. 8, p. 722. See also acts of July 7, 1826, *ante*, p. 564; January 4, 1833, Session Laws, November, 1832, Chap. 101; July 5, 1833, id., 1833, Chap. 131; January 13, 1837, id., November, 1836, Chap. 311, and December 23, 1840, id., November, 1840, Chap. 578. Partly repealed by act of July 4, 1829, id., 1829, Chap. 77, and wholly repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the selectmen of the several towns and places within this State be, and they hereby are empowered and required to assess annually the inhabitants of their respective towns and places, according to their polls and rateable estates, together with the improved and unimproved lands and buildings of non-residents, in a sum to be computed at the rate of ninety dollars for every one dollar of their proportion for publick taxes for the time being, and so for a greater or less sum; which sums when collected, shall be appropriated to the sole purpose of keeping one English school or schools within the towns and places, in which the same shall be assessed, for teaching the various sounds

and powers of the letters in the English language, reading, writing, English grammar, arithmetick, geography and such other branches of education as may be necessary to teach in an English school, including the purchase of necessary fuel for such schools.

Sec. 2. And be it further enacted, That it be the duty of the selectmen of the several towns and places to assign to each school district in their respective towns, and places, a proportion of money assessed in each year as aforesaid, according to the valuation thereof for that year, or in such other manner as the several towns at their annual meeting shall direct.

Sec. 3. And be it further enacted, That there shall be appointed, by the selectmen annually, in the month of March in each town, a superintending School Committee consisting of not less than three nor more than five persons, whose duty it shall be to examine school-masters and school-mistresses proposing to teach school therein. And it shall be the duty of said Committee, or one or more of them, to visit and inspect all the schools in their respective towns, at least twice in each year, and to inquire into the regulations and discipline thereof, and the proficiency of the scholars therein; and to use their influence and best endeavours, that the youth in the several districts attend the schools. And the said Committee shall have power, and it shall be their duty, to dismiss any school-master or school-mistress, who shall be found by them, or a majority of them, incapable or unfit to teach such school notwithstanding he or she may have procured the necessary certificates as are hereinafter required; which dismissal shall be notified to said master or mistress, in writing by said Committee, or a majority of them; but said master or mistress, so dismissed, shall be entitled to payment for his or her services until such dismissal. And the said Committees are furthermore empowered and required, on application made to them by any master or mistress of any school in their respective towns, or by any inhabitant of any school district therein, at their discretion, to order the expulsion of any scholar from any school in their respective towns, who will not obey and submit to the necessary and reasonable rules, orders and regulations of said school.

Sec. 4. And be it further enacted, That it shall be the duty of the said superintending Committees of the several towns in the State, to direct and determine the class books, to be used in the respective classes, in the several towns, to which they belong; and the scholars attending such schools shall be supplied by their parents, masters or guardians with the books so prescribed by said Committees—And if any parent, guardian or master shall, after notice given him or her by the master or mistress of any such school, refuse or neglect for the space of eight days, to furnish their several scholars with the books so prescribed for their respective classes, the selectmen of the town, on being notified by said master

or mistress, shall forthwith furnish the same for such scholars, at the expense of the town. And the said selectmen or their successors in office shall add the amount of the books, so furnished, to the next annual tax of the parents, masters or guardians, who ought to have furnished the same; and the amount, so added, shall be levied, collected and paid into the town treasury in the same manner as other town taxes. Provided however, that in case such selectmen shall be of opinion that any such parent, master or guardian is not able, and cannot afford to pay the whole expense of the books so furnished on his or her account, such parent, guardian or master shall be exonerated from the payment of the whole or any part of such expense, and the said selectmen shall omit to add the amount of such books, or shall add only a part thereof to the annual tax of such parent, master or guardian, according to the proportion of such expense which such parent, master or guardian shall, in their opinion, be able to pay. Provided nevertheless, that in cases when children are already supplied with books, which shall not be considered by said superintending Committee extremely faulty, in comparison with others which might be used, and which may be possessed in such numbers in any school as to admit of the proper and convenient classification of such school, in that case, said Committee shall not direct the purchase of new books, without first obtaining the consent of the parents, masters or guardians of a majority of the children, so already provided for, until the expiration of two years from the passing of this act. Provided also that said Committee shall never direct any school books to be purchased or used in any of the schools under their superintendence, which are calculated to favour any particular religious sect or tenet. And it shall also be the duty of the superintending Committees in the several towns in this State, to present a written report, to their respective towns at their annual meetings in the month of March, in each year, stating the number of months publick schools have been kept in each district in said towns, and what portion thereof has been kept by male, and what by female teachers; the whole number of scholars that have attended each school; the progress made in the various branches of learning in each school; the number of children between the ages of four years and fourteen years, in each district, that have not attended the schools therein; and the number of persons, if any, in each district between the ages of fourteen and twenty one years, who cannot read and write.

Sect. 5. And be it further enacted, That there shall be chosen at the annual meeting in the month of March in each of the towns in this State, a district Committee, consisting of one person for each school district, who shall be a resident in the district for which he shall be chosen and be called the Prudential Committee thereof; whose duty it shall be to select and contract with the teachers for his district, to provide for their board, to furnish the necessary

fuel for the school, and immediately on the commencement of any such school in his district to give information thereof to the Superintending Committee of the town. And it shall also be the duty of the Prudential Committee in each district to give such information and assistance to the Superintending Committee as may be necessary to aid them in the discharge of the duties required of them by this act. Provided, that in any town in this State, which shall at any legal meeting, holden for that purpose, so determine, the said Prudential Committee may be chosen in the several school districts, to which they respectively belong, in such manner as said district may decide.

Sect. 6. And be it further enacted, That no person shall be employed as a school master in any of the schools aforesaid, unless he shall be a citizen of the United States, and shall produce a certificate from the Superintending School Committee of the town where such school is to be kept, and also from some person of liberal education, literary pursuits, and good moral character, that he is well qualified to instruct youth in the various sounds and powers of the letters in the English language, reading, writing, English grammar, arithmetick, geography and such other branches of education as may be proper to be taught in an English School; and also a certificate from the selectmen of the town to which he belongs, in case there be any, otherwise from three of the most reputable inhabitants thereof, that to the best of their knowledge, he is a person of sober life and conversation, and of good moral character. And no person shall be employed as a school mistress unless she shall produce a certificate from the Superintending School Committee of the town where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetick and geography, and produce satisfactory evidence of her good moral character. And no person who shall teach any school, required by this act, without producing to the district Committee of the district in which said school is kept, prior to his or her commencing the same, the certificates required by this act, shall have or receive any thing for his or her services, but shall be forever barred from recovering the same.

Sect. 7—And be it further enacted, That if the selectmen of any town or place neglect to assess and assign for the purpose aforesaid, the money required by this act to be by them assessed and assigned as aforesaid, such selectmen shall forfeit and pay the full sum, in assessing and assigning which they shall be found delinquent in, which sum shall be recovered by bill, plaint, or information in the Superior Court of Judicature; and when recovered, shall be appropriated for keeping a school or schools in the town or place where such delinquency shall happen; and it shall be the duty of the town clerk for the time being, except he shall be also one of the selectmen, in which case it shall be the duty of the first con-

stable of the several towns and places, to see that such sums are collected out of the goods and estate of such delinquent selectmen; and that the money so collected be appropriated according to the true intent and meaning of this act.

Sect. 8th And be it further enacted, That it shall be the duty of the Presidents, professors and tutors of colleges, and the Preceptors and teachers of Academies, and all other instructors of youth to take diligent care, and use their best endeavours to impress on the minds of children and youth, committed to their care and instruction, the principles of piety and justice, and a sacred regard to truth, love of their Country, humanity, and benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues which are the ornaments of human society. And it shall be the duty of such instructors to endeavour to lead those under their care, into a particular understanding of the tendency of the before-mentioned virtues, to preserve and perfect a republican form of government, and to secure the blessings of liberty, as well as to promote their future happiness; and the tendency of the opposite vices to slavery and ruin.

Sect—9. And be it further enacted, That the Superintending Committees aforesaid, shall receive from their respective towns a reasonable compensation for their services performed in pursuance of this act.

Sect. 10. And be it further enacted, That the first, second, third and fourth sections of an act entitled an act for the better regulation of schools, and for repealing certain laws now in force, respecting the same, passed December 22^d 1808; and also an act entitled an act in addition to an act entitled an act for the better regulation of schools, and for repealing certain laws now in force respecting the same, passed June 27th 1818, be, and the same are hereby repealed, Provided however, that all monies, assessed and raised by the town of Portsmouth by virtue of this act, may be appropriated and expended according to the provisions of an act entitled an act for the regulation and government of schools in the town of Portsmouth, passed July 7. 1826; and provided also that this act shall not take effect or be in force until the first day of March next.

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT EMPOWERING SCHOOL DISTRICTS TO BUILD AND REPAIR
 SCHOOL-HOUSES.

[Approved July 6, 1827. Acts, vol. 24, p. 284. Session Laws, 1827, Chap. 58. Laws, 1830 ed., p. 432. This act partly repeals act of December 22, 1808, Laws of New Hampshire, vol. 7, p. 771, and wholly repeals acts of December 28, 1805, id., p. 467, and June 30, 1825, *ante*, p. 421. See also acts of June 24, 1835, Session Laws, 1835, Chap. 211; January 13, 1837, id., November, 1836, Chap. 305, and December 4, 1840, id., November, 1840, Chap. 572. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the several towns and places within this State be, and they hereby are respectively empowered, at any legal meeting for that purpose, to divide into school districts, and to define the limits thereof, and the same from time to time to alter in such manner as shall be thought fit and convenient; and a record of such division or alteration shall be made in the clerk's office of such town or place, within three months after any such division or alteration shall have been made; and no person shall have a right to send to, or receive any benefit from, any school in a district in which he is not a resident without the consent of such district.

Sec. 2. And be it further enacted, That the inhabitants of the several school-districts, whose limits are now established or shall be defined as aforesaid, qualified to vote in town affairs, be, and they hereby are empowered, at any meeting called in the manner herein-after prescribed, to raise money for the purpose of erecting, repairing or purchasing a school-house and other buildings, connected therewith, in their respective districts, and of necessary utensils for the same; to determine in what part of the district to erect said school house and other necessary buildings; to choose a Committee to superintend the building and repairing of said school-house, and other necessary buildings, or for purchasing the same; and to choose a clerk, who shall be sworn to the faithful discharge of the duties of his office; whose duty it shall be to make a fair record of all votes passed at any meeting of the district, and to certify the same when required; and the money raised as aforesaid shall be assessed and collected in the manner hereinafter provided.

Sec. 3. And be it further enacted, That for the purpose aforesaid, every person shall be taxed in the district in which he lives for all the estate he holds in the town, being under his own actual improvement, and all other of his real estate in the same town shall be taxed in the district in which it is included; and all real estate

when the owner thereof lives without the town, shall be taxed in such district or districts as the Selectmen, having regard to the local situation thereof, shall determine; and it shall be the duty of the selectmen before they assess a tax for any district to determine in which district such real estate respectively shall be taxed, and to certify in writing their determination to the clerk of the town, who shall record the same; and such real estate, while owned by any person residing without the limits of the town, shall be taxed in such districts until the town shall be districted anew: and the selectmen shall assess, in the same manner as town taxes are assessed on the polls and estates of the inhabitants composing any school district defined as aforesaid, and on real estate in said town, belonging to persons living out of the same, which the selectmen shall have directed to be taxed in such district, all monies voted to be raised by the inhabitants of such district for the purposes aforesaid, in thirty days after the clerk of the district shall certify to said selectmen the sum voted by the district to be raised as aforesaid; and it shall be the duty of said selectmen to make a warrant directed to one of the collectors of the town to which such district belongs, empowering and directing said collector to levy and collect the tax so assessed, and to pay the same, within a time limited in said warrant, to the treasurer or selectmen of the town to whom a certificate of the assessment shall be made by the assessors, and the money so collected and paid shall be at the disposal of the committee of the district, to be by them applied for the building, repairing or purchasing of a school-house in the district to which they belong; and such collector, in collecting such tax, shall have the same powers, and be holden to proceed in the same manner as is by law provided in collecting town taxes.

Sec. 4. And be it further enacted, That the treasurer or selectmen of any town, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of such tax, so assessed and certified, as if the same had been voted to be raised by the town for the town's use.

Sec 5. And be it further enacted, That it shall be the duty of the selectmen of the several towns and places, divided into school-districts as aforesaid, upon application made to them in writing by three or more freeholders resident within any school district in their respective towns, to issue their warrant directed to any one of the persons making such application, requiring him to warn the inhabitants of such district qualified to vote in town affairs, to meet at such time and place in the same district as the selectmen shall, in their warrant, appoint; and the said warning shall be by notifying personally every person in the district, qualified to vote in town affairs, or by leaving at their usual places of abode a notification in writing, expressing therein the time, place and purpose of the meet-

ing, ten days at least before the time appointed for holding the same; or notice of said meeting may be given by posting on the door of the school-house, and in at least two other publick places in such district, a copy of said warrant, certified by the person to whom it may have been directed, at least fifteen days prior thereto; and any vote to raise money, passed by a majority of the inhabitants of any school-district present, at any district meeting holden pursuant to this act, shall be obligatory on the inhabitants of said district to be assessed, levied and collected in the manner prescribed in this act.

Sec. 6. And be it further enacted, That if the majority of the inhabitants of any school district cannot, or do not, agree where to erect a school-house for the accommodation of the same, the selectmen of the town, to which such district belongs, upon application made to them in writing by the Committee of the district, are hereby authorized and empowered to determine on the place where a school-house for the use and accommodation of the district, shall be erected; and if said inhabitants shall refuse or neglect to choose a committee, or if any committee shall refuse or neglect to apply to said selectmen for the purpose of locating a school-house as aforesaid, in such case, any three or more freeholders, resident in such district may apply to said selectmen in writing, stating such refusal or neglect, and requesting them to make such location; and the said selectmen may thereupon proceed and designate the place where said school-house shall be erected.

Sec. 7. And be it further enacted, That the several and respective school-districts be and they hereby are authorised and empowered to purchase and hold in fee simple, or otherwise, so much land as may be necessary whereon to erect a school-house and such other buildings, and also for such yard as may be necessary for the accommodation of said schools; and the inhabitants of the said several school districts are hereby authorised and empowered at any legal meeting, holden for that purpose, to raise any sum or sums of money for the purpose of purchasing said land, to be assessed, levied and collected in manner aforesaid; provided said land do not exceed in quantity one fourth part of an acre, and may maintain any action of trespass or ejectment against any person or persons, who may trespass upon, or do damage to said land or buildings, and the same pursue to final judgment and execution.

Sec. 8. And be it further enacted, that whenever a suitable place for the erection of a school house and other necessary buildings in any school district shall have been designated, in either of the ways pointed out in this act, and the owner or owners of the land thus designated shall refuse to sell the same, or shall demand therefor a price which in the opinion of the selectmen of the town to which such district belongs is unreasonable, in every such case, the said selectmen may proceed and lay out such school-house lot, not

exceeding in quantity one eighth part of an acre, and appraise the damages to the owner or owners of said land in the same way and manner as is provided by law for laying out publick highways, and appraising the damages sustained thereby; reserving to any such owner or owners, the right of petitioning the Court of Common Pleas for redress, as is provided in the second section of the act entitled, "An act for laying out highways," and upon payment of such damages, or tender thereof, the said land may be taken, held and used for the purposes for which it was laid out, and the said district may prosecute and maintain any action as aforesaid against any person or persons trespassing or doing damage thereon. And the land, taken agreeably to the provisions of this section for a school-house lot, shall revert to the owner of said land, his heirs or assigns whenever after the erection of said house a majority of the legal voters of any school district, at a meeting called for the purpose, shall vote to discontinue the use and occupation thereof, as a school-house lot, or shall actually for the term of two successive years, neglect or refuse to use and occupy the land for the purpose aforesaid.

Sec. 9. And be it further enacted, That if any school-district is now, or hereafter shall become, destitute of a school house, or if the school house in any such district is now, or hereafter shall become, ruinous and out of repair, and the inhabitants thereof shall refuse or neglect to build, purchase or repair their school house; in such case, any three or more of the freeholders resident in such district may apply in writing to the selectmen of the town to which such district belongs, stating the destitute situation of such district, or the ruinous condition of the school house therein, and the refusal or neglect of said inhabitants; and the said selectmen thereupon may, and they hereby are authorised to assess upon such district such sum or sums of money, as they may deem requisite for the building, purchasing, or repairing of a school house and other necessary buildings therein in the same manner as if such sum or sums had been voted to be raised at a legal meeting of said district, and may in like manner cause the same to be levied and collected and under their direction, or by a committee or agent by them appointed, laid out and expended in building, purchasing or repairing a school house and other necessary buildings as aforesaid.

Sec 10. And be it further enacted, That an act entitled "An Act empowering school districts to build and repair school houses, and regulating schools," approved December 28. 1805; and the fifth section of an act entitled "An Act for the better regulation of schools and for repealing certain laws now in force respecting the same," approved December 22, 1808; and "an act in addition to and in amendment of an act empowering school districts to build and repair school-houses and regulating schools, passed December 28. 1805;" passed June 30. 1825; be, and the same hereby are re-

pealed: Provided however, that nothing herein contained shall affect the doings of any town or school district under the provisions of the acts hereby repealed. Provided further, that this act shall not take effect until the first day of September next.

[CHAPTER 59.]

State of)
New Hampshire.)

AN ACT FOR ESTABLISHING AN EQUITABLE METHOD OF MAKING
TAXES

[Approved July 7, 1827. Acts, vol. 24, p. 291. Session Laws, 1827, Chap. 59. Laws, 1830 ed., p. 553. This act repeals acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 603; December 1, 1812, id., vol. 8, p. 146; July 1, 1825, *ante*, p. 445; July 7, 1826, *ante*, p. 569, and probably the act of December 30, 1803, Laws of New Hampshire, vol. 7, p. 248, instead of December 30, 1816, as given in Section 16 of this act. See also acts of December 16, 1812, id., vol. 8, p. 183; June 22, 1832, Session Laws, 1832, Chap. 73; June 24, 1834, id., 1834, Chap. 180; July 5, 1834, id., Chap. 181, and December 17, 1840, id., November, 1840, Chap. 550. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the inhabitants of the several towns in this state shall annually exhibit to the Selectmen a just and true account of their polls and estates rateable by law. And the selectmen shall give warning at some public meeting or post up advertisements at some public place or places in their town, or in some other way give notice to the inhabitants of the time and place in the town when and where they will meet to receive such account; or the selectmen may make personal application to the respective inhabitants of the town for an account of their polls and rateable estate, or in any manner the town at a legal meeting may direct. And the said invoice shall be taken of what the respective inhabitants had and possessed on the first day of April and shall be taken some time in the same month; and in case any person shall remove from any town on or after the first day of April he shall pay his taxes that year in the town from which he removed; and if any person shall neglect, after being duly notified, or shall refuse when called upon in person by any of the selectmen, to give a true account of his poll and rateable estate on oath, if required, which oath any selectman is hereby empowered to administer, the selectmen may set down to such person or persons, as much by way of doomage as they shall judge equitable and make the assessment accordingly, which shall not be abated by the court of Common Pleas unless in cases where the person is unable to exhibit a particular account and shall make oath that such is the real case, and

that he has used every endeavour in his power to enable him to make out such account.

Section 2. And be it further enacted that if any person in giving an account to the selectmen of his estate rateable by law, shall not give in the whole of his estate so rateable, but shall conceal some part thereof from the knowledge of such selectmen, they may for any estate so concealed and not given in, upon discovery of the fraud, rate such person in all taxes for that year four times as much as such estate if given in by the owner would by law have been rated or taxed.

Section 3. And be it further enacted that the selectmen of the several towns in this state be and hereby are empowered either personally or in writing to demand of the cashier or other principal officer of any bank incorporated by and acting under the authority of this state, an account in writing of all the shares in such bank, and their amount in value owned by any inhabitant or resident of the town of which the persons so applying are then selectmen. And it is hereby made the duty of such cashier or principal officer on such application to furnish at said bank, such applicants with an account in writing of all the shares and their amount in value which shall then be owned in said bank by any inhabitant or resident of the town of which such applicants may be selectmen within four days from the time of such application.

Section 4. And be it further enacted, that if any cashier or other principal officer of any bank to whom any selectmen may make application as aforesaid for the purpose aforesaid, shall neglect or refuse to furnish such selectmen with an account of all the shares owned by any inhabitants or residents of the respective towns of which said applicants shall then be the selectmen, said cashier or principal officer shall forfeit and pay for such refusal or neglect a sum not less than one hundred dollars nor more than four hundred dollars to be recovered by an action of debt in the name and for the use of the town of which such applicants shall be selectmen.

Section 5. And be it further enacted that the rateable estate belonging to any manufacturing company or corporation in this state shall hereafter be taxed to such company or corporation by its corporate name and in the town or place wherein such rateable estate is situated; and the personal estate of such corporation or company shall be held subject and liable to distraint and sale for the payment of all taxes, which may be on such corporation or company assessed, in the same way or manner as the personal estate of individuals is or may be by law liable. And in assessing public taxes on any manufacturing company or corporation in this state all raw materials intended for manufacture and all manufactures belonging to such corporation or company, shall be estimated and taxed as stock in trade; all factory buildings and work shops—

with the machinery thereunto appertaining and all other buildings belonging to and owned by any such corporation or company shall be estimated and taxed as buildings and all other rateable estate of such corporation or company shall be valued and taxed at the same rate as the same kinds of rateable estate owned by individuals, are by law valued and taxed. Provided that no factory building or machinery shall be liable to taxation until the same shall be in a situation to be put into operation.

Section 6. And be it further enacted, that it shall be the duty of the clerk, agent or directors of any manufacturing company or corporation in this state annually to exhibit to the selectmen of the town in which such manufacturing establishment is situated, a true and just account of all the rateable estate of which such company or corporation shall be possessed on the first day of April in each year at the average value thereof for the year. And in case any such clerk, agent, or Directors, shall neglect after being duly notified, or shall refuse when any of the selectmen shall call upon him in person, to give a true account on oath, if requested of the rateable estate of such manufacturing company or corporation, which oath any selectman is hereby empowered to administer, or in case, such clerk, agent or directors in giving an account of the rateable estate of such company or corporation shall not give in the whole thereof so rateable, but shall fraudulently conceal some part thereof from the knowledge of such selectmen they may for such neglect or refusal, doom, or for such fraudulent concealment, assess, such company or corporation in the same way and manner, and at the same rate as they may by law doom and assess an individual for such neglect or refusal and for such fraudulent concealment of a part of his rateable estate.

Section. 7. And be it further enacted that where any manufactory shall be owned by any individual or individuals not incorporated the same shall be taxed to the owner or owners in the town where the said factory is situated at the same rates as are prescribed in this act for assessing manufacturing corporations.

Section 8. And be it further enacted that all stallions and all other horses and mares, all jacks and mules, all oxen, cows and other neat stock taxable by law, kept in any town in this state, and all stock in trade employed in any town owned by any person or persons not residing in the town, where any such property may be kept or employed shall be taxed to the person or persons having the care thereof on the first day of April, in the town where the same may be so kept or employed. And the property thus taxed shall be holden for the payment of all taxes duly assessed thereon. And the person having the care of such property on the first day of April, shall give the selectmen of any such town a true account thereof, and for neglecting or refusing so to do, shall be subject to the same penalties as by law are imposed upon those who neglect

or refuse to give such account of their own property, and the owner thereof shall not be taxed therefor in the town where he may reside. And any person or persons, so having the care of such property and having been taxed therefor shall have a right to retain the same until the taxes assessed thereon shall be paid, and having paid any tax thereon assessed, shall have a right to recover the amount of the tax so paid of the owners of the property in an action for money paid.

Section. 9. And be it further enacted that the guardians of minors, of idiots, of distracted persons, or persons non compos mentis, and of idle persons, shall annually exhibit to the selectmen of the respective towns in this state a just and true account of the rateable estates of their respective wards, in the same way and manner as the inhabitants of towns are required by law to exhibit an account of their own rateable estates. And it shall be the duty of the guardians to pay all taxes legally assessed on their wards, and the taxes by them so paid, shall be allowed on settlement of their guardianship accounts. Provided nevertheless that it shall be the duty of the selectmen to make such deductions from the inventories of the estates of distracted persons, and persons non compos mentis as they shall think just and reasonable, whenever it shall appear that the income of their estates is insufficient to support them.

Section 10. And be it further enacted that all rates and taxes shall be made and assessed in proportion to the amount of each person's poll and rateable estate, And all personal estate and all buildings and real estate shall be taxed to the person claiming the same, or to the person who is in possession and actual occupancy thereof and such real estate so taxed shall be holden and liable for the taxes thereon assessed, and when the owner of any land and personal estate shall have deceased, the same may be taxed to the widow, any of the children, heirs, or any other person who will consent to be considered as in possession thereof; but if no person will consent to be taxed therefor, the same shall be taxed generally to the heirs of such deceased person; and when any person shall be living in any house or on any farm, on the first day of April, and shall not be the owner, thereof and shall refuse to give the same unto the selectmen as his estate, the same shall be particularly described in the taxbill as under the occupant on the first day of April who shall be named and the number of acres as near as may be estimated, the number of the lots or such other description shall be given as the said land farm or buildings are commonly known by; and in case no person shall be in actual possession of any house which is in the judgment of the selectmen tenantable, or any real estate improved as pasture, mowing, arable or otherwise, and the same shall not be owned by any inhabitant or resident in such town the said house and land shall be particularly described as aforesaid

and shall be taxed in such list without mentioning the owner, unless he be known to the selectmen, in which case his name shall be mentioned.

Section 11. And be it further enacted that the selectmen and assessors of the several towns and places in this state be, and they are hereby authorized empowered, and required seasonably in every year to assess the polls and estates in their respective towns and places according to the rules and directions of the law, their just and equal proportion of all sums of money granted by the general court for which they shall have a warrant under the hand and seal of the treasurer of the state, and their proportion of all sums of money legally voted to be raised to defray county charges, for which they shall have a warrant under the hand and seal of the treasurer of the same county; and all such sums of money as shall be legally voted to be raised at a meeting of the inhabitants of their town duly holden; and they shall also assess the polls and estates in such town all such sums of money as they may by any law of this state be authorized and empowered to assess. And the selectmen or assessors may from time to time, if they Judge it necessary and convenient in assessing any tax whatever assess a sum over and above the sum required to be assessed not exceeding five per cent upon the sum to answer any abatements that may be necessary in collecting such taxes, which sum so assessed above the sum required shall be paid into the town treasury for the use of the town or place. And the selectmen shall make lists of all such assessments under their hands, and commit the same unto the collector or collectors of their respective towns with a warrant under their hands and seal in due form of law; and in such lists shall be set down and expressed the names of all the inhabitants or residents therein taxed for their polls and estates or estates only and their several proportions of each tax. And the said selectmen shall cause a fair entry and record to be made, of all invoices by them taken and assessments by them made, in a book of records, of the doings and proceedings of the selectmen in their said office which book shall be the property of, and shall be open to any of the inhabitants of the town. And the said selectmen shall also have their assessments recorded by the town clerk in the book of records belonging to the town or shall leave an attested copy with him seasonably for that purpose, and a copy of the invoice from which the assessment was made shall be recorded or left with the town clerk in manner aforesaid that the inhabitants and others rated may inspect the same.

Section 12. And be it further enacted that the selectmen of every town shall seasonably return to the respective treasurers or persons to whom they shall order the collector to pay any sum or sums of money the name or names of the collector or collectors in their respective towns with an account of the sums he is ordered to collect and pay to them respectively, the date of the warrants

given to him for that purpose and the time when he was ordered to pay the same to the respective treasurers aforesaid.

Section 13. And be it further enacted that If the selectmen of any town or place in this state, having received the State or county treasurer's warrant requiring them to assess any sum or sums of money on the polls and estates within their respective towns, shall neglect to assess the same within the time, in the manner and according to the directions given in such warrants the same being agreeable to law, the persons and estates of such selectmen shall be liable and hereby are subjected to be taken in execution for the same to be issued, served and executed in all respects as the law prescribes in the case of neglect of collectors in paying the sums contained in their lists; and the said treasurers are hereby authorized and empowered to issue their executions against said selectmen accordingly and such selectmen shall have no remedy against the inhabitants of such town for any thing except the sum mentioned in the treasurer's warrant, when they shall have paid the same, and in any suit to be brought for the recovery of the same the selectmen shall recover no costs; and in case the selectmen shall neglect to return the name or names of the collector or collectors to whom they shall commit any list of state county or town taxes, to the treasurer of the State county or town agreeably to the directions given them by the state treasurer county treasurer, or towns respectively they shall be liable to executions from the said treasurers respectively in the same manner as in cases where they neglect to make any assessment, and shall have no remedy against the inhabitants of their respective towns for any thing except the sums by them actually paid to the treasurers aforesaid and shall recover no costs in any suit brought for the recovery of the same. And in all cases where an execution is issued against selectmen for neglect in assessing taxes or neglect in returning the name of the collector, the same shall be issued against the selectmen whose duty it was to assess the tax and to return the name of the collector and in case no estate of such selectmen can be found whereon to levy the same, and their bodies cannot be found to be imprisoned, and the same shall be so returned by the sheriff to whom the same execution may be directed, an execution for the same sums may then be issued against the inhabitants of such town in the same manner as in the case where such inhabitants had neglected to choose any selectmen or assessors.

Section 14. And be it further enacted, that the selectmen be and they hereby are empowered to abate any taxes, as well those assessed by their predecessors as by themselves, of any person applying for the same, provided sufficient reason for such abatement be shewn; and if the selectmen, diny or refuse to make such abatement the person conceiving himself aggrieved by any tax or assessment, may apply by way of petition to the court of common

pleas in the same county, who are hereby empowered to make such order in the premises as justice may require. Provided that such application be made within nine months after such person shall have been notified of such assessment and requested to pay the same. And provided further that the court of common pleas shall not have power to abate any taxes except as to such articles and matters as the selectmen having the power of valueing shall in the judgment of said court have overruled and as to sums set down by way of doomage, for not giving an invoice, where the person doomed was unable to give an invoice.

Section 15. And be it further enacted, that the inhabitants of any town at their annual meeting if an article be inserted in the warrant for the purpose may exempt the unimproved lands of non residents from all or any part of the taxes aforesaid.

Section 16. And be it further enacted, that an act entitled an act for establishing an equitable method of making taxes and for ascertaining the powers of selectmen passed on the eighth day of February 1791; the act entitled an act in addition to an act entitled an act for establishing an equitable method of making taxes and for ascertaining the powers of selectmen passed on the first day of December 1812; the act entitled an act in addition to an act entitled an act. for taxing the lands and buildings of nonresidents, passed on the thirtieth day of December, 1816; the act entitled an act in addition to an act entitled, an act, for establishing an equitable method of making taxes and for ascertaining the powers of selectmen passed on the seventh day of July, 1826; and the act entitled an act prescribing the mode of assessing taxes on manufactories, passed on the first day of July, 1825; be and the same are hereby repealed. Provided, however, that nothing herein shall affect the collection of any taxes heretofore made by virtue of any act hereby repealed, or the collection of any forfeitures incurred under the same.

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE ARTHUR BRANSCOMB AND HIS ASSOCIATES BY THE NAME OF THE PISCATAQUA STEAM BOAT COMPANY.

[Approved July 7, 1827. Acts, vol. 24, p. 307.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Arthur Branscomb and his associates and successors be, and hereby are, created a corporation by the name of the Piscataqua Steam Boat Company. and for the purpose of transporting, by means of steam-boats or steam-vessels, upon the waters of the Piscataqua River and its branches,

passengers, goods, wares, merchandize, lumber, corn grain, and any other articles or products whatever.

Section 2. And be it further enacted, that said Corporation, in common with others, is hereby vested with the right and privilege of using and employing steam-boats or steam-vessels on said river and its branches, for the term of twenty years, from and after the first day of June in the year of our Lord one thousand, eight hundred and twenty eight.

Section 3. And be it further enacted, that said Company may take and hold any wharves, store-houses or other real estate, not exceeding in value ten thousand dollars, and personal estate not exceeding fifteen thousand dollars, for the use of said Company; and may exercise all the rights and powers, and are made subject to all the liabilities of Corporations of a similar nature.

Section 4. And be it further enacted, that if said Company shall not, within eighteen months from and after the first day of June next, put into use and operation on said river for the purposes aforesaid, one steam-boat or steam-vessel; or if said Company shall afterwards for the term of four months, at any one time, during the boating season, discontinue or omit to use and employ a steam-boat or steam-vessel on said river and its branches, for the purposes aforesaid, unless said boat or vessel be injured and prevented from running by inevitable accident, or shall for the term of one year, at any one time, for any cause, discontinue or omit to use and employ a steam-boat or steam-vessel for the purposes aforesaid, this act shall be wholly null and void.

Section 5. And be it further enacted, that the above named Arthur Branscomb may call the first meeting of said Company, by giving personal notice to each of his associates of the time, place and object of the same, at least three days prior to said meeting.

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT TO PROVIDE FOR THE TRANSFERRING OF CERTAIN BUSINESS FROM THE COURT OF PROBATE IN THE COUNTY OF CHESHIRE TO THE PROBATE COURT IN THE COUNTY OF SULLIVAN, AND FOR OTHER PURPOSES.

[Approved July 7, 1827. Acts, vol. 24, p. 309. Session Laws, 1827, Chap. 61. See act of July 5, 1827, *ante*, p. 649. Repealed by act of January 2, 1829, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That all business which shall be pending in the Court of Probate for the County of Cheshire on the second day of September next wherein the parties concerned

shall then reside in or be inhabitants of any of the towns in said County of Sullivan shall be transferred to the Court of Probate in said County of Sullivan and said court shall receive, act upon and determine the same, in the same way and manner that such business might have been heard and determined in the said County of Cheshire had not such business been transferred as provided in this act.

Section 2. And be it further enacted, That the Judge of Probate, and the Register of Probate for said County of Sullivan shall each have and receive in addition to the salaries heretofore provided the sum of twenty five dollars annually.

[CHAPTER 62.]

State of }
New Hampshire. }

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES ASSESSED UPON THE INHABITANTS OF TOWNS.

[Approved July 7, 1827. Acts, vol. 24, p. 312. Ssssion Laws, 1827, Chap. 62. Laws, 1830 ed., p. 560. See act of July 3, 1838, Session Laws, 1838, Chap. 381. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that it shall be the duty of the collectors in every town and place in this State seasonably to collect all the taxes assessed in such towns or places, for which they shall have sufficient warrants under the hands and seal of the selectmen of such town or place, and to pay the same according to the directions given in such warrant. And every collector, to whom any list of taxes, with a warrant in due form of law, shall be committed to collect, shall give fourteen days notice to the inhabitants or residents taxed in such list of the sum or sums at which they are assessed in such list before he make any distress therefor, unless in cases where such collector hath just reason to think any person is about removing out of his town or place, and when any collector shall have committed to him for collection a tax or taxes against any manufacturing company or corporation, he shall give to the agent, clerk, treasurer or one of the directors, a notice in writing, stating the sum or sums, at which they are assessed, fourteen days before any distress shall be made therefor. And upon the neglect or refusal of payment of any inhabitant or resident or manufacturing corporation or company, taxed in said list, the said collector is hereby empowered to distrain the goods or chattels of the person or corporation so neglecting or refusing. And the said collector shall keep such distress the space of four days, unless the money

for which such distress is taken shall be sooner paid at the cost and charges of the owner thereof, and if the owner do not pay the sum or sums so assessed upon him, and the costs and charges, which have already accrued, within the space of four days, the said collector shall proceed within forty eight hours after the expiration of said four days, to sell at public auction within the said town or place the said distress: and notice of the place, day and hour of such sale, which shall be sometime between ten of the clock in the forenoon and six in the afternoon and a particular description of the goods and chattels to be sold, shall be posted up, in two public places in such town or place, twenty four hours before the time of sale. And a particular account in writing of the taxes of the delinquent, the collector's fees, the charges of keeping and selling such distress, the amount of the sale of each article, with the overplus if any, after the taxes and all incidental charges are deducted, shall be delivered immediately upon such sale to the former owner, or ready to be delivered to him on request made. And for want of goods or chattels, whereon to make distress, the said collector may take the body of any inhabitant or resident, refusing to make payment as aforesaid, and him commit to the common gaol in the same county, there to remain, untill the same be paid, or he be discharged therefrom by due course of law.

Sect. 2. And be it further enacted, that in no case whatever distress shall be made or taken of any person of his tools or implements, necessary for his trade or occupation, nor of his arms, or utensils of households, necessary for upholding of life, nor of bedding or apparel necessary for him or his family.

Sect. 3. And be it further enacted that when any collector shall take the body of any person for want of goods or chattels whereof to make distress, and shall commit him to prison, he Shall give an attested copy of his warrant to the keeper of the prison and thereupon certify, under his hand, the sum or sums such person is taxed in his list or lists, and that he hath the body for want of goods or chattels whereon to make distress: and such attested copy and certificate thereon shall be a sufficient warrant to require the prison keeper to receive and detain such person in his custody, until he pay the sums so certified, the cost of commitment and charges of imprisonment, or be otherwise thereof discharged by due course of law.

Sect. 4. And be it further enacted, that in case any inhabitants or residents shall, on or after the first day of April in any year and before he shall have paid his taxes for that year, remove from the town or place, where his invoice was taken, and his poll and estate lawfully taxed into any other town or place in this State, the collector shall have the same remedy against the estate and body of such person, found in any part of the State as he would by law have had, in case such person had not removed, and in case his

body and estate so found, had been found in the town, where he may have been so taxed.

Sect. 5. And be it further enacted, that every collector of taxes shall be entitled to demand and receive for the collection of taxes by distress and sale of goods, and for committing the body of any person to gaol, the same fees, as Sheriffs are by law entitled to demand and receive, when they collect money upon execution by the sale of goods and chattels, and when they commit the body of the debtor to gaol upon execution.

Sect. 6. And be it further enacted, that when any owner, or proprietor of any land or other real estate shall remove out of the town or place, where such land or other real estate lies, on or after the first day of April in any year and shall not have paid the sums assessed on him, and shall leave no personal estate, whereon distress may be made, and when any person, assessed in any list of taxes, shall, before payment die, leaving no personal estate, whereon to make distress, and no person interested in the same estate appearing to discharge the taxes: or when any inhabitant or resident shall neglect or refuse to expose his goods and chattels, whereon to make distress, in each and every of the cases aforesaid, the collector may at the expiration of three months from the time of his having received such list and shall within one year proceed to advertise, by posting up in two or more of the most publick places in the town or place, where such lands lie, at least six weeks before the sale notifications, stating that so much of the delinquent owner's estate will be sold at publick vendue as will be sufficient to pay said taxes with incidental charges unless prevented by previous payment: and in such advertisement shall be expressed the name of the proprietor or owner, or the name of the person, to whom the same shall have been taxed, and also the name of the occupant thereof at the time such advertisement shall be posted up: and also in such advertisement shall be mentioned the day, hour and place of such intended sale: the place shall be some public one in the town or place where the estate taxed lies, and the hour shall be sometime between ten in the forenoon and six in the afternoon: and in case the taxes and charges of advertising be not paid before the hour of sale, the collector may proceed to sell so much of the estate of the delinquent as will pay the taxes and all incidental charges; and shall execute a good and valid conveyance of the estate so sold, in the same form and manner, and the same time for redemption shall allowed, as the law provides and allows in the case of the sale of the lands and buildings of nonresident proprietors for non payment of taxes.

Sect. 7. And be it further enacted, that whenever any lands or buildings shall be sold as aforesaid, it shall be the duty of the collector making the sale to lodge, with the town clerk of such town, within ten days after the sale aforesaid, one of the advertisements,

which was posted up, with a certificate accompanying the same, under oath, that the same and a similar advertisement was posted up as aforesaid according to the provisions of this act, which advertisement and certificate shall be recorded by the town clerk and a certified copy of said record shall be deemed competent evidence in any Court of law of those facts.

Sect. 8. And be it further enacted, that it shall be the duty of every collector to lodge with the town clerk, within ten days after the time of redemption from any sale by him made as aforesaid, a correct list of all lands and buildings, which have been redeemed from said sale to be recorded by said town clerk.

Sect. 9. And be it further enacted, that each town clerk shall receive the same fees for recording, copying and certifying as aforesaid, as clerks of the Court of Common Pleas are by law entitled to receive for recording and certifying papers.

Sect. 10. And be it further enacted, that, the fees of the several collectors in the sale of lands and buildings as aforesaid shall be as follows, viz, for going to the places where, the advertisements for the sale are to be posted up and returning home, five cents per mile; for each advertisement, twenty five cents, for making the sale one dollar, for each deed twenty five cents.

Sect. 11. And be it further enacted, that if any collector shall take any greater fees for any of the services, mentioned in this act, than are herein before prescribed, he shall forfeit the sum of five dollars to the person suing therefor to be recovered by an action of debt.

Sect. 12. And be it further enacted, that all acts and parts of acts inconsistent with the provisions of this act be, and the same hereby are repealed. Provided however that nothing herein shall affect the collection of any taxes heretofore made.

[CHAPTER 63.]

State of)
New Hampshire. {

AN ACT TO INCORPORATE THE PROPRIETORS OF THE MERRIMACK LOCKS AND CANALS

[Approved July 7, 1827. Acts, vol. 24, p. 325. Session Laws, 1827, Chap. 63.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Ebenezer Eastman, Dearborn Sanborn, James Clark Nathaniel H. Clark, John Clark 5th, Samuel Fellows Ebenezer Blanchard, Kendal O. Peabody, James Garland T. R. Greenleaf, Robert T. Crane, Robert Smith

and their associates and successors, be and hereby are incorporated and made a body corporate and politic forever, by the name of the proprietors of the Merrimack locks and canal, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and are hereby invested with all the powers and privileges, which are by law incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That the said Ebenezer Eastman, Dearborn Sandborn, and James Clark or either two of them may call the first meeting of said proprietors, by advertisement in one of the news papers printed at Concord, to be holden in Salisbury or Boscawen in the county of Merrimack in said State at any suitable place fourteen days at least after the publication of said notice, and the proprietors by a vote of a majority of those present or legally represented shall choose a clerk who shall be sworn to the faithful discharge of the duties of said office, and may agree on a method of calling future meetings, and at that or any subsequent meeting may elect such officers, and make and establish such rules and by-laws not repugnant to the constitution and laws of this State as to them shall appear necessary or convenient for the regulation and government of said corporation, and for carrying into effect the provisions of this act

Sec. 3. And be it further enacted, That said proprietors be and hereby are authorised and empowered to construct and maintain such locks and canals as may be necessary for rendering the river Merrimack in said State navigable for boats and rafts from the foot of Sewal's falls in Concord to the confluence of the Pemigewasset and Winnipisiogee rivers at Sanbornton; provided however that no dam or lock shall be erected which shall obstruct the free passage of rafts or any kind of lumber, and if complaints of that kind arise the Superior Court of Judicature upon application, may appoint a committee of three suitable persons to view such dams or locks erected by said proprietors, and the report of said committee made to said court and by said court accepted, shall be the rule to which the said proprietors shall conform and modify their dams and locks

Sec. 4. And be it further enacted, That said proprietors be and hereby are authorised to purchase and hold in fee simple all such lands adjoining said river as to them may appear necessary, for carrying into effect the object of said corporation, provided the same do not exceed twenty acres, and in case the proprietors and owners of such land shall not agree on the compensation to be made for the same, the Justices of the Superior Court of Judicature holden within and for the County of Merrimack; upon the application of said proprietors, or the owners of such land, may appoint a committee to ascertain the compensation and issue execution, therefor against said proprietors in case of non payment provided

that payment of the value of the land so ascertained, or a tender thereof to the owner or owners, be made previous to the proprietors entering the same

Sec. 5. And be it further enacted, That said corporation may agree with and purchase of the owner or owners of land within the limits aforesaid over and above the aforesaid quantity of twenty acres a quantity of land not exceeding fifty acres which shall and may be holden by said corporation for the purposes before mentioned.

Sec. 6. And be it further enacted, That said proprietors may and shall divide the property belonging to said corporation into such number of shares as they shall think proper, which shares may be transfered by the clerk of said proprietors, and which shall ever be deemed and held as personal estate, and the share or shares of any proprietor may be sold at publick auction by said corporation on non payment of all assessments duly made thereon.

Sec. 7. And be it further enacted, That for the purpose of compensating said proprietors for the monies by them expended, a toll forever from and after the time said river is made navigable for the passage of boats, is hereby granted to said proprietors the rate thereof to be established by the Justices of the Superior Court; and on application made by any person to them for that purpose, to be by them at any time altered in such manner as they may think just and reasonable.

Sec. 8. And be it further enacted, That if said river shall not be made navigable so as to admit the convenient passage of boats within four years from and after the passing of this act, then every part and clause thereof, shall be null and void; provided always that the Legislature of this State may from time to time hereafter upon due notice given to said corporation make such further provisions and regulations as they may think proper.

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT DEFINING THE JURISDICTION OF THE COURT OF COMMON PLEAS IN CERTAIN CASES.

[Approved July 7, 1827. Acts, vol. 24, p. 329. Session Laws, 1827, Chap. 64. See acts of June 22, 1810, Laws of New Hampshire, vol. 7, p. 896; June 29, 1818, *id.*, vol. 8, p. 736, and January 2, 1829, *post.*]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That all actions of trespass *quare clausum fregit* which may hereafter commenced, before a

Justice of the peace in which the title to real estate shall be brought in question in the manner prescribed in the second section of an act entitled "an act authorizing and empowering justices of the peace to hear, try and determine, civil causes and to repeal certain acts and certain clauses of an act therein mentioned" passed June 22^d 1810 shall be entered, heard, tried and determined in the Court of Common Pleas who shall have jurisdiction of the same, in the same manner as though the said action had been carried to the said Court by appeal.

[CHAPTER 65.]

State of 1
New Hampshire. }

AN ACT REGULATING LICENSED HOUSES.

[Approved July 7, 1827. Acts, vol. 24, p. 331. Session Laws, 1827, Chap. 65. Laws, 1830 ed., p. 482. This act repeals acts of June 14, 1791, Laws of New Hampshire, vol. 5, p. 752, and December 23, 1820, id., vol. 8, p. 999. See also act of June 29, 1829, Laws, 1830 ed., p. 485. Partly repealed by act of July 4, 1838, Session Laws, 1838, Chap. 369. Wholly repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall be unlawful for any person to exercise the business of a taverner or retailer without license. And if any person shall, at any time, without license in writing from the selectmen of the town or place where such person resides, sell any wine rum, gin, brandy or other spirits in any quantity less than one gallon, or shall sell any mixed liquors any part of which are spirituous, such person so offending, for each and every such offence on conviction thereof before the Superior Court of Judicature in the County where such offence shall be committed, shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty dollars for the use of such County.

Section 2. And be it further enacted, that the selectmen of any town or place on application, may license any person of good moral character to exercise the business of a taverner in such town or place, on the receipt of a sum for the use of such town or place not exceeding five dollars nor less than two dollars. And every person licensed as aforesaid shall, at all times, be furnished with suitable provisions and accommodations for travellers, their cattle and horses, and every person so licensed who shall not be furnished as aforesaid, shall forfeit and pay the sum of five dollars to be recovered in an action of debt by any person suing for the same.

Section 3. And be it further enacted That if the Selectmen shall unreasonably, neglect or refuse to license any suitable person applying for a license as a taverner and in case there be no select-

men in the town or place the person wishing for a license as aforesaid may make application by petition to the Court of Common Pleas in the county where such applicant resides and said Court if they think proper may license such person to exercise the business of a taverner for a term of time not exceeding one year on the payment of a sum not exceeding five dollars nor less than two dollars for the use of the town, where such applicant resides.

Section 4. And be it further enacted, That the selectmen of any town or place may license any person to exercise the business of a retailer that is to sell wine and spirituous liquors in any quantity not less than one pint to be sold delivered and carried away, and the person so licensed shall not pay therefor more than twenty cents which sum shall be paid to the town clerk for recording said license, and any person so licensed shall not permit any wine or spirituous liquors so sold to be drank in his shop, store or other buildings.

Section 5. And be it further enacted That the selectmen of any town or place may license any person other than a tavernkeeper to sell and mix wine and spirituous liquors on the receipt of twenty dollars for the use of the town or place where such license shall be granted.

Section 6. And be it further enacted That no license shall be granted for a longer term of time than one year nor shall any license granted by the selectmen as aforesaid be of any avail until the same be recorded by the town-clerk of the town where such license shall be granted. And every license so granted by the selectmen or by the Court of Common Pleas shall particularly mention the purpose for which such license was granted and designate the house, store, shop or place where any person licensed may sell or mix wine and spirituous liquors. And no license shall authorise any person to sell or mix wine or spirituous liquors in more than one place.

Section 7. And be it further enacted That any person so licensed shall not permit or suffer any individual on the sabbath to remain drinking in or about the place where such person so licensed is authorised to sell or mix spirituous liquors, nor shall any person so licensed permit any individual to remain in the house, store, shop or place where the person licensed may sell or mix spirituous liquors, drinking to excess, nor shall any person licensed as aforesaid permit any individual to play at cards, dice, billiards or at any bowling alley or other game of chance within or about his her or their houses yards or buildings.

Section 8. And be it further enacted That when the selectmen of any town or place shall be satisfied either by view complaint or otherwise that any individual is in the habit of drinking to excess in or about any house store shop or other building where any person is licensed to sell or mix spirituous liquors it shall be the duty of such selectmen to notify all persons licensed in such town or place that such individual is habitually intemperate and forbid every

person so licensed in said town or place to sell to such individual any spirituous liquors or any mixed liquors any part of which are spirituous or to permit such individual to remain in or about his her or their house, store, shop, or other building where the persons so licensed are authorised to sell or mix wine or spirituous liquors

Section 9. And be it further enacted That it shall be the duty of the selectmen of the several towns or places to hear and examine into all accusations preferred to them in writing against any person licensed agreeably to the provisions of this act and having received satisfactory evidence that any person so licensed keeps a disorderly house or in any way violates the provisions of this act the said selectmen shall immediately withdraw or revoke such license and notify the person so licensed thereof in writing and cause a copy of such notice to be recorded by the town clerk of such town or place and any license being so withdrawn or revoked thereafter shall be of no avail to the person to whom the same was granted. And when the selectmen of any town or place shall neglect or refuse to hear and examine into any complaint as aforesaid the person so complaining may prefer the same to the grand jury who are hereby authorised and empowered upon satisfactory evidence to present such person so offending, and such person so licensed who does keep or has kept a disorderly house or in any way has violated the provisions of this act for each and every such offence on conviction thereof before the Superior Court of Judicature within the County where such offence or offences shall be committed shall forfeit and pay a sum not exceeding twenty dollars to the use of such County. And the said court may make such further order as they may think just and proper.

Section 10. And be it further enacted, That it shall be the duty of the grand jurors and the selectmen of the several towns, and all magistrates in their several Counties to inform of all violations of the provisions of this act, and the Attorney General and in his absence the several County Solicitors in their respective Counties, shall prosecute for all offences committed against the provisions of this act which shall come to his or their knowledge.

Section 11. And be it further enacted, That an act passed June 14, 1791, entitled "an act regulating licensed houses," and an act passed December 23^d 1820 entitled "an act in addition to an act entitled an act regulating licensed houses" be, and the same are hereby repealed. Provided, that nothing herein contained shall be so construed as to affect any suits already commenced or hereafter to be commenced under the provisions of the acts hereby repealed, nor to effect any licence heretofore granted, nor to bar a recovery of any penalty to be incurred under the acts hereby repealed until this act shall be in force and take effect.

Section 12. And be it further enacted, That this act shall not be in force nor take effect until the first day of September next.

[CHAPTER 66.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE NEW HAMPSHIRE CANAL AND STEAM-
 BOAT COMPANY.

[Approved July 7, 1827. Acts, vol. 24, p. 339. Session Laws, 1827, Chap. 66. See also acts of July 1, 1819, Laws of New Hampshire, vol. 8, p. 865; July 2, 1823, *ante*, p. 231; December 6, 1824, *ante*, p. 298; December 10, 1824, *ante*, p. 304; December 16, 1824, *ante*, p. 322; June 21, 1825, *ante*, p. 405, and July 1, 1825, *ante*, p. 426.]

Whereas, by an act passed by the Legislature of this State, and approved, July 1, 1819, entitled "an act to incorporate a company, by the name of the proprietors of the Winnipisseogee, Squam, and Pemigewassett Locks and Canal," Phinehas Walker and others were authorized and empowered to construct, erect and maintain canals, locks or slips, for the purposes mentioned in said act, from the northwesterly part of Winnipisseogee pond, through great and little Squam ponds, to Pemigewassett river in Plymouth.

And whereas, by another act of the Legislature of this State, approved December 10, 1824, entitled "an act to incorporate a company by the name of the Grafton Canal Company," John McDuffee and others were authorized and empowered to construct, erect, make and maintain, Canals, locks, slips, tow-paths and rail-ways, for the purposes mentioned in said act, from the termination of the grant aforesaid, made to Phinehas Walker and others, thence "up Pemigewassett river and Baker's river, through Wentworth, to Connecticut river, where it may be most practicable for making said Canal."

And whereas, by another act of the Legislature of this State, approved December 16, 1824, entitled "an act to incorporate Clement Storer and others, his associates, with the exclusive right and privilege of cutting a Canal, and constructing locks, slips and railways, from Winnipisseogee Lake to Piscataqua River," the said Clement Storer and his associates were authorized and permitted to cut a canal, construct railways and towing-paths, and lock all the falls between Winnipisseogee Lake in the County of Strafford, and that branch of Piscataqua River, called Cocheco river, below the Landing, so called, in Dover, in such route and direction, as, in their judgment, shall be most eligible for the purpose aforesaid."..... And, by another act, in addition to the act last mentioned, passed by the Legislature of this State, and approved, July 1, 1825, Sundry other powers and privileges, therein named, were granted to the said Clement Storer and his associates.

And whereas, by another act, passed by the Legislature of this State, and approved, July 2, 1823, entitled "an act to incorporate

Joseph Smith and his associates, by the name of the Winnipisseogee Lake Steam-Boat Company," the said Joseph Smith and his associates were "invested with the sole and exclusive right and privilege of using and employing Steam-boats, or Steam-vessels, on said Lake, for the term of twenty years from and after the first day of April, in the year of our Lord, eighteen hundred twenty five," Subject however to sundry limitations and conditions mentioned in said act.—And whereas, by another act in addition to the act last before named, passed by the Legislature of this State, and approved June 21, 1825, among other provisions contained in said additional act, a further time of three years, from and after the first day of May, in the year of our Lord eighteen hundred and twenty five, was "granted to the said Winnipisseogee Lake Steam-Boat Company, for the purpose of putting into operation and use, on said Lake, a Steam Boat or Steamvessel, agreeably to the provisions of their act of incorporation," and all the privileges and immunities granted them, by said act of incorporation, were extended to said Company for the like term of three years.

And whereas, the proprietors of the several grants contained in the several acts and the additional acts, herein before named, believing that the accomplishment of the great objects they have in view would be facilitated, and the public good promoted, by uniting themselves in one company, under an act embracing all the powers and privileges contained in the several acts and additional acts aforesaid, and extending their powers from the tide waters of the river Cocheco, to the western bank of the Connecticut, have applied for an act of incorporation to that effect,.....
.....Therefore.....

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Clement Storer, George Sullivan, Edward Cutts, James Sheafe, Ichabod Bartlett, Alexander Ladd, John N. Sherburne, Nathan B. Folsom, Elisha Whidden, Charles Coffin, Samuel Hale, Joshua W. Peirce, Isaac Waldron, Benjamin Penhallow, Timothy Upham, George Long, John K. Pickering, John Ball, Andrew Peirce, James Bartlett, John Williams, Asa Freeman, Joseph Smith, William Flagg, Nathaniel W. Ela, Jesse Barney, Robert Rogers, John Wheeler, Eri Perkins, Barnabas H. Palmer, John B. H. Odiorne, Jacob M. Currier, Isaac Wendell, Joseph Doe, Samuel W. Carr, David Barker, David Barker, Jr. William Barker, Nehemiah Eastman, Jeremiah Wingate, Reuben Hayes, Richard Russell, John B. Swazey, Jonathan C. Everett, John Towle, John H. Moulton, John Coe, Phinehas Walker, Arthur Livermore, Joseph Shepard, David Webster, Samuel C. Webster, David M. Russell, John Mc,Duffee, Eza Bartlett and Caleb Keith, their associates and successors, legal representatives and assigns, be, and they hereby are incorporated, and made a body corporate and politic forever, by the name of the New Hampshire Canal and

Steam-Boat Company, and by that name, may sue and be sued, prosecute and be prosecuted to final judgment and execution; make contracts purchase, take and hold lands, and the same alienate sell and convey, have and use a common seal and the same alter and renew, at pleasure, and may have, exercise and enjoy, all rights, powers and privileges, and shall be subject to all the liabilities incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That the said Ichabod Bartlett, Joseph Smith, and David Barker, Jr. or either two of them, may call the first meeting of said company, by publishing notice of the time, place and object of holding the same, in a Newspaper printed in Portsmouth and in Dover, at least twenty days previous to said meeting; at which meeting a Clerk shall be chosen and sworn to the faithful discharge of the duties of his office, and it shall be his duty to record this act, and all the acts and proceedings of said corporation in a book or books, provided and kept for that purpose; to give certified copies of said records, or any part thereof, when the same shall be required, and to perform such other services as shall appertain to his office; and at this, or any subsequent meeting, a Treasurer and board of Directors shall be chosen, and all such other officers, agents and servants, as shall be necessary for managing the affairs of said corporation, and prosecuting the works they have in view. And the several officers and agents of said company shall hold their offices for one year, and until others shall be chosen to fill their places; and in case any vacancy in any office shall happen, by death, resignation, or otherwise, the Directors for the time being, or a majority of them, may fill such vacancy by appointment, to hold until the next meeting of said company, who may then supply all vacancies by their own choice. And all elections and questions shall be determined, by a majority of votes, accounting and allowing one vote to each share; and absent members may vote by proxy, duly authorized in writing, which writing shall be filed with the Clerk. Provided always, that the Treasurer of said corporation, whose duty it shall be to keep a fair account of all his receipts and disbursements, subject at any time, to the inspection of the members of said company, shall give bond, in such penalty, and with such security as the Directors may prescribe and require.

Sec. 3. And be it further enacted, That said corporation at their first, or any subsequent meeting, duly holden, may make By-laws for their government and the prudent management of their affairs, and the preservation of their Canals, locks and other works and property; provided such by-laws are not contrary to the provisions of this act, or the constitution and laws of this State; and may annex and collect, in any court proper to try the same, penalties, not exceeding ten dollars, for the violation of any provision of such

by-laws; may determine the manner in which shares shall be transferred, provided, however, that no transfer shall be made, except of one or more whole share, or shares, and not of any part of such share, or shares, and that no transfer of any share or shares shall be valid, unless made and proved in such manner, and form, as shall be prescribed in the by-laws. And said company may also at such meeting agree upon the manner of holding future meetings; may prescribe the duties of their officers and agents, and do and transact any other thing, which the welfare of said corporation may, in their opinion require.—

Sec. 4. And be it further enacted, That said corporation may take, by gift or purchase, and hold such real and personal estate, as shall be necessary for carrying into effect the purposes contemplated by this act, not exceeding in amount, the sum of fifteen hundred thousand dollars; may divide their capital or joint stock into such number of shares, not exceeding fifteen thousand, as they may deem most convenient; may cause a book or books, for receiving subscriptions to said stock, to be opened; may make assessments and fix the time for paying the same; Provided, however, that not more than ten dollars on a share shall be assessed at any one time, nor more than one hundred dollars ever be assessed on a share; And, provided further, that no assessment shall be made, until five hundred shares in said stock shall have been subscribed.

Sec. 5. And be it further enacted, That the State of New-Hampshire shall have a right, at any time, to subscribe for such number of shares, as shall not have been taken up, as the General Court may direct; and that the United States shall, in like manner, have a right to subscribe for such number of shares as Congress may direct. And the right, title and property of said corporation, and of each individual thereof, in said canal, locks, railways and other works, with the appurtenances thereof, shall be deemed and held to be personal estate, to all intents and purposes.

Sec. 6. And be it further enacted, That said corporation be, and it hereby is authorized and empowered to enter upon any of the routes mentioned in the several acts aforesaid, or in this act, or upon any part or parts, and upon all parts of the route, beginning at the tide waters of the river Cocheco, below the Landing, so called, in Dover, in the County of Strafford, and extending from that place, by the most eligible route, to the waters of Winnipisseogee Lake, at Alton, and from said Lake, at the westerly shore thereof, by Great and Little Squam ponds, to Pemigewassett river, at Plymouth;—thence from said river last mentioned, up Baker's river, through Wentworth, to the western bank of Connecticut river, within the County of Grafton, at such point as shall be thought by said company the most suitable place for terminating said route;—and to cut canals, construct towing paths, aqueducts, culverts, waste-weirs, basins for boats and lumber, with side cuts or canals

thereto, and to make in any part of such canals, and at the extremities thereof, all such locks, dams, flood gates, docks, embankments, piers, wharves and other works, as well above as below low-water-mark, as may be deemed convenient or necessary; and also upon any part of said route, in addition to, or instead of a canal, to erect and construct railways, slips, or inclined planes; and for the purpose of supplying and maintaining said canal, at all times, said corporation shall be, and hereby is authorized to take and use the waters of and from any lake, pond or ponds, rivers and other water courses, as the same may be convenient and necessary, and also to take and hold Tarlton's or Eastman's ponds, as reservoirs of water for the use of said canal, compensation being made to any person or persons injured thereby, in such way and manner, as is herein after provided. And said corporation shall also be, and hereby is, authorized to build and construct towing-paths or bridges upon the margin or shores of any lake, pond, river or other stream or body of water, and across the same, or any inlet, arm or part thereof, where it shall be found practicable and convenient, and to remove obstructions, and clear out and deepen the channels of such streams and other waters, so as to render them navigable for boats, rafts, and other things; and, for the purpose of building, as well as, at all times, repairing any part of said canal, or any towing path, embankment, dam, lock or rail-way, to take from the vicinity thereof, any wood, clay, gravel, earth or stones, making full compensation for the same, to any person or persons injured thereby, in manner before mentioned.

Sec. 7. And be it further enacted, That said corporation shall build and keep in repair over any and every canal by them constructed, wherever such canal shall cross any public highway, suitable bridges; and shall also build and keep in repair over said canals such bridges as shall be necessary for the accommodation of any individual or individuals, through whose land such canals may pass, wherever they shall be justly and reasonably required, by such individual, or individuals, in the opinion of the Commisseeoners hereinafter named. And all bridges for the accommodation of the public travel, or of any individual, shall be of such dimensions and height, as said Commissioners shall determine and direct.

Sec. 8. And be it further enacted, That said corporation may occupy, use, hold in shares, or otherwise dispose of, any water power, or mill-privileges, which may be obtained from, or created by, any of the locks, slips or other works, erected by said corporation, and may erect such works and buildings, as may be found necessary for the profitable management of their property, to the amount of five hundred thousand dollars.—

Sec. 9. And be it further enacted, That if any person shall wilfully and maliciously obstruct or impede the passage of any boat, raft, or other thing, in said locks or canal, or in any river,

or other water belonging to said company; or if any person shall wantonly and unnecessarily, open or shut, or cause to be opened or shut any lock or gate, so that damage shall ensue thereby; or if any person or persons, shall wilfully and maliciously destroy or injure any part or portion of said canals, locks, dams, towing-paths, or other works appertaining thereto, such person or persons may be indicted and fined, for every such offence, at the discretion of the court, before which a conviction thereof shall be had, and such fine together with the costs of prosecution, when collected, shall be paid into the Treasury of the County where such conviction may be had; And said corporation, or any individual or individuals, sustaining any injury in either of the cases aforesaid, may have an action for damages, before any Court of competent jurisdiction to try the same. And this act may be given in evidence without specially pleading the same.

Sec. 10. And be it further enacted, that said corporation shall, at all seasons, when said canal can be used, keep constantly in readiness, in the daytime, from sunrise till sunset, sundays excepted, at the several locks and slips thereof, or at such of them where it may be necessary, some suitable person or persons, whose duty it shall be to aid and assist, in conducting boats, rafts and other things through said locks and slips, as well as to collect and receive the toll which shall be granted and allowed for passing the same. And said corporation shall be held responsible, and shall be liable for all damages, which the owner or owners of any property passing through said canal, locks, or slips, may sustain, by reason of any unnecessary detention, or through the carelessness or neglect of any agent or servant of said corporation.

Sec. 11. And be it further enacted, That for the purpose of reimbursing said company for the expenses they may incur, in cutting said canal, and erecting and constructing the other works before mentioned, from the tide waters aforesaid, in Dover, to the termination of said canal at the west bank of Connecticut river, or upon any portion or parts of said route, a toll shall be, and hereby is granted and allowed, for the passage of all boats, goods, wares, merchandize, lumber, produce, or any other article of trade or manufacture, which may be transported or pass upon said canal or rail-ways, or upon any part thereof; at such rate or rates, as the Justices of the Superior Court of Judicature shall determine and establish, upon application made to them for that purpose, by said corporation, after said canal, or any portion thereof, shall, in the opinion of said commissioners, have been completed, or made navigable. And the said Justices shall have power, from time to time, to alter said rates of toll, as they may think just and expedient.

Sec. 12. And be it further enacted, That the stock of said corporation, actually employed in the construction of said canal, rail-ways and other works connected therewith, as well as in procuring

and equipping steam-boats, vessels, or other craft, employed by them upon the lake or ponds beforementioned, or on said canal, shall be exempted from all public taxes, until the annual profits arising from said canal and other property as aforesaid, shall amount to six percent, on the money actually expended for those purposes.—Provided, however, that this section shall not continue in force for a longer term than thirty years from the passage of this act.

Sec. 13. And be it further enacted, That for the purpose of ascertaining the amount of profit received, on the money expended in manner mentioned in the preceeding section, said company shall cause their Treasurer, Clerk, or Directors, once in every five years during said term of thirty years, to make out, under oath, and exhibit to the Justices of the Superior Court, at some term of said Court, holden in the County of Strafford, or Grafton, a true and correct account of all such expenditures, and of all monies by said company received for tolls, or otherwise, as profits or income on the monies so expended; and in case said company shall neglect to cause such account to be made and exhibited, in manner aforesaid, they shall be held liable and subject to taxation, for all real and personal estate of which they may be possessed, any provision in this act contained to the contrary, notwithstanding.

Sec. 14. And be it further enacted, That before said corporation shall enter upon any lands, or take possession of any streams, ponds, or other bodies of water, by virtue of the provisions of this act, three judicious and disinterested persons shall be appointed, by the Justices of the Superior Court, as a board of Commissioners, whose duty it shall be to consider and adjust all claims for damages, made upon said corporation, by any person or persons, whose rights, privileges, or property may, be infringed, damaged or taken, in any way whatever, by the prosecution of said canal, and other works contemplated by this act. And said corporation shall give such notice of their intention to apply for the appointment of such commissioners, as the Justices of said Court shall direct, or deem sufficient.—And the Clerk of said Court shall make a record of the appointment of such commissioners, and of all subsequent appointments which may be made to fill any vacancy which may be occasioned in said board. Said commissioners shall severally be sworn to the faithful discharge of their duty; shall keep a full and true account of all their proceedings, and any two of them shall constitute a quorum for doing business; shall receive from said corporation a just and reasonable compensation for their expenses and services, and shall severally hold their offices for the term of five years, unless the same shall be sooner vacated, by death, resignation or removal. And if any commissioner shall become a stockholder in said corporation, he shall be removed by said Court, as well as for any other sufficient cause shewn to said Court by said

corporation, or by any individual person, and another commissioner shall be appointed in his stead.

Sec. 15. And be it further enacted, that said board of commissioners shall, before considering or deciding upon any claim for damages, made as aforesaid, give due notice to all the parties interested, or to their agent or attorney, of the time and place of considering the same; and, if either party, having been notified as aforesaid, shall neglect to attend, said commissioners may proceed, *ex parte*, and make such award, as to them shall seem just, taking into view the benefit as well as the injury which may accrue to the complaining party. And said corporation may tender in money the damages so assessed, by said commissioners, to the person or persons, whose property or rights have been taken or injured, and shall thereupon have a right to enter upon, and forever hold, use and possess, any land, or other property, right, or privilege, for which compensation has been awarded and tendered, in manner aforesaid. And in all cases where damages shall be assessed pursuant to this act, if said company shall neglect to pay or tender, to the person or persons, to whom such damages shall be awarded, or to the guardian, husband, agent or attorney of such person, the amount of such damages, within six months after such award shall be made, except an appeal be entered, and in that case, within three months after judgment entered, all right of said company, to such property then appraised, shall cease, unless they shall purchase the same of the owner thereof.—Provided however, that when either of the parties shall feel aggrieved by any assessment of damages made by said commissioners, the party so aggrieved, may, at any time, within thirty days after notice of such assessment, appeal to the Superior Court of Judicature, next to be holden within and for the County, in which such property, right, or privilege, is situated, which Court shall decide thereon, and tax cost for either or neither party, as to said Court shall seem just; And the party making such appeal, shall cause a written notification thereof, signed by, or in behalf of, such party, and by one or more of said commissioners, to be forthwith lodged with the Clerk of said Court; and shall also cause a copy of such notification, to be left with the adverse party, his or her known agent or attorney, husband or Guardian, as the case may be, when the appeal is taken by said corporation;—or with a director, or Clerk of said company, where the appeal is taken by a party claiming damages from said corporation—Provided furthermore, that either party, on said appeal, shall be entitled to a trial by Jury, whose verdict, with judgment rendered thereon, shall be final and conclusive.

Sec. 16. And be it further enacted, That whenever it shall be found necessary for said canal, railway, or other works connected therewith, to pass through, or upon any real estate belonging to any minor, or person non composmentis, or to any person without

this State, having no Agent or attorney, known to said corporation, within this State, it shall be the duty of the Judge of Probate, within and for the county where such real estate may lie, upon application made to him by said corporation for that purpose, having first caused due notice of such application to be given, to appoint some suitable and disinterested person to be guardian of such minor, or person non compos mentis, or to be agent of such person out of the State, taking bond, with sufficient surety, from such guardian or agent, for the faithful discharge of the trust reposed in him, and such guardian and agent shall have full power to agree with said corporation, upon the damages sustained by the owner or owners of such estate, and, upon receiving satisfaction therefor, to make a good and valid conveyance to said corporation, of all the right and title, which such minor, person non compos mentis, or person out of the State, as the case may be, may have in such estate, to hold so long as such estate shall be used for the purposes contemplated in this act.—And in case said guardian, or agent, and said corporation shall not agree upon the damages aforesaid, then the same shall be assessed by said commissioners, or by said Superior Court, in the same way and manner, as is provided in the fifteenth section of this act—

Sec. 17. And be it further enacted, That all the rights, powers and privileges, granted to Joseph Smith and his associates, as contained in the act, and the additional act, herein before mentioned, shall be, and the same hereby are, vested in the New Hampshire Canal and Steam Boat Company.

Sec. 18. And be it further enacted, that said company be, and they hereby are vested with the sole and exclusive right of using and employing upon the waters of Winnipisseogee Lake, and of Great and Little Squam Ponds, Steam-Boats and Steam-vessels for the term of thirty years from the passing of this act; and at all times, in common with others, said company may have and use, upon the waters aforesaid, other boats, vessels and water craft; and for the convenient management of their business upon said Lake and ponds, may take, purchase and hold, real as well as personal estate, consisting in lands, warehouses, or other buildings, wharves, piers, Steam Boats and vessels, with their machinery, tackle and rigging, and such other boats and equipments, as may be found convenient and necessary;—provided, that not more than one hundred thousand dollars, of the capital of said company, shall be expended in such real and personal estate.

Sec. 19. And be it further enacted, That such rates of freight or toll, shall be allowed to said company, for transporting all goods, wares, ores, lumber, produce, manufactures, or any other thing, as well as for carrying passengers and towing vessels, boats, or rafts, as the Justices of the Superior Court shall determine and prescribe; and it shall be the duty of said company, at the expiration of one

year, from the time of putting into operation a SteamBoat, or Steamvessel, and at the expiration of every succeeding five years, to exhibit to said Justices an account, made out, under oath, by a Clerk, Treasurer or Director of said company, of all monies actually paid and expended, under the provisions of the eighteenth section of this act, and of all monies received for tolls, freight or otherwise, as profits, or income, on the monies so expended.

Sec. 20. And be it further enacted, That if said company shall neglect to put into operation, upon said Winnipisseogee Lake, a SteamBoat or Steam vessel, for five years after the passing of this act, or if they shall, after that time, at any one period during the boating season, neglect for the space of four months, to use and employ, upon said Lake, such boat or vessel, unless prevented by inevitable accident; or, for any cause whatever, neglect to use and employ such boat or vessel, for one whole year, then, in either of the cases of neglect aforesaid, the exclusive right vested in said company, by the eighteenth section of this act, shall be forfeited and void.

Sec. 21. And be it further enacted, That if said company shall not within five years, from and after the passing of this act, actually appropriate, lay out and expend, in making and constructing, said canal, locks and other works connected therewith, the sum of fifty thousand dollars, then this act, and every part thereof, shall be null and void. And, provided further, that if said company shall not make, construct and complete, the whole of said canal, locks and other works connected therewith, as contemplated in this act, within fifteen years from and after the passing of the same, then all the right, title, claim and interest, which said corporation have, under this act, to make such canal, locks and other works, or such part thereof as they shall have neglected to make, construct and complete, as aforesaid, shall cease and determine.

Sec. 22. And be it further enacted, That whenever the stock of said company shall have been subscribed, and said canal shall go into operation, said corporation shall be liable and holden to pay to John Mc,Duffee, his Executors, Administrators, heirs and assigns, as a consideration for his services and expenses, in looking out, exploring and surveying, a route for a canal, from Winnipisseogee Lake, in this State, to Lake Memphremagog, in the State of Vermont, as well as for his services and expenses in procuring the grants herein before mentioned, made to Phinehas Walker and others, and to the said John Mc,Duffee and others, such compensation, as the Justices of the Superior Court shall think just and reasonable. And their award in writing, shall be taken as evidence of his claim upon said corporation.

Sec. 23. And be it further enacted, That it shall and may be lawful, for the proprietors of the Winnipisseogee River Canal, by their corporate act, to transfer and make over to this company, all

the rights, powers and privileges, secured to them, by their act of incorporation, entitled, "An Act to incorporate Jonathan C. Everett and his associates, with the exclusive right and privilege of cutting a canal and constructing locks and slips, from Winnipisseogee Lake to Sandbornton Bay," Approved, December 6, 1824.—And it shall and may be lawful, for this corporation, to accept of such transfer, and, thereupon, a copy of such transfer and acceptance, having been lodged in the office of the Secretary of this State, all the rights, powers and privileges, with all things appertaining thereto, shall be vested in, possessed and exercised by this corporation. Provided, that this transfer shall not be held, so as to prevent the construction of a canal, or canals, at any time, from the waters of the Winnipisseogee Lake, to unite with canals below, on Merrimack river, whenever the public good shall require.

Sec. 24. And be it further enacted, That whenever a company shall be incorporated in the State of Vermont, for the purpose of making and constructing a Canal or Railway, from the Western termination of the route mentioned in this act, to the Northern or Western Lakes, or other navigable waters of said State of Vermont, it shall and may be lawful, for the New Hampshire Canal and Steam Boat Company, to unite with such company in said State of Vermont, in such way and manner, as they may think proper; Subject, however, at all times, to any regulations or provisions which the Legislature of this State may prescribe or impose—

Sec. 25. And be it further enacted, that the Legislature of this State shall, at any time hereafter, have the right, and it hereby reserves the right, of authorizing the proprietors of any other canal or canals, which may hereafter be made, to enter said New Hampshire Canal, at such place, or places, as may be found most convenient for uniting the same, and at such place or places, to construct and have a basin or basins, to be used in common, as well by the proprietors of said New Hampshire Canal, as by the proprietors of such other canals as may be connected therewith, for the reception of boats, rafts and all other things, which may be transported thereon—The proprietors of such canal or canals making compensation to the proprietors of said New-Hampshire canal, for all actual injury or damage, occasioned to said New Hampshire Canal, by entering the same as aforesaid, the same to be assessed, in such way and manner, as the Legislature may direct—Provided however, that it is not hereby intended, that any compensation is to be made, for any damages or injury arising from the diversion of any trade or business from said canal, through the canal so entering the same.

Sec. 26. And be it further enacted, That this act shall be taken and deemed to be a public act, to all intents and purposes.

[CHAPTER 67.]

State of }
New Hampshire. }

AN ACT FOR THE SUPPRESSION OF LOTTERIES.

[Approved July 7, 1827. Acts, vol. 24, p. 359. Session Laws, 1827, Chap. 67. Laws, 1830 ed., p. 185. This act repeals act of June 12, 1807, Laws of New Hampshire, vol. 7, p. 568. See also acts of February 14, 1791, id., vol. 5, p. 686, and June 25, 1830, Session Laws, 1830, Chap. 2. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall be unlawful for any person or persons to make or put up any lottery or expose to sale, or dispose of any estate real or personal by lottery, not having been first authorized or empowered so to do, by the Legislature of this State, and if any person or persons not authorized or empowered as aforesaid shall make or put up any lottery, or expose to sale or dispose of any estate real or personal, by Lottery every such person or persons so offending, for every such offence on conviction thereof, before the Superior Court of Judicature in the County, where such offence shall be committed shall forfeit and pay a sum not exceeding five hundred dollars, nor less than fifty dollars, for the use of said County.

Section 2. And be it further enacted, That it shall be unlawful for any person or persons to keep for sale, or otherwise to be disposed of, or offer to sell, or expose for sale, or actually sell, or otherwise dispose of any ticket or part or parts of any ticket in any lottery not authorized by the Legislature of this State, and any person or persons so offending, for each and every such offence on conviction thereof before the Superior Court of Judicature in the County where such offence shall be committed shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty five dollars for the use of such County.

Section 3. And be it further enacted, That it shall be unlawful for any person or persons to aid or assist in any lottery not authorized by the Legislature of this State, by printing or otherwise publishing an account thereof or by printing or publishing any advertisement or notice of the place where, or the name of the person by whom any ticket or tickets, or part or parts of any ticket or tickets may be kept for sale or otherwise to be disposed of in any lottery not authorized as aforesaid, and such person or persons so offending, for each and every such offence on conviction thereof before the Superior Court of Judicature in the County where such offence shall be committed, shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty five dollars for the use of such county.

Section 4. And be it further enacted, That it shall be the duty of the grand jurors and selectmen of the several towns and places in this State to inform against all persons who shall be guilty of violating any of the provisions of this act, and the Attorney General, and in his absence the county solicitors in their respective Counties shall prosecute for all breaches of the provisions of this act.

Section 5. And be it further enacted, That an act passed on the 12th. of June A. D. 1807 entitled "an act for the suppression of Lotteries" be and the same is hereby repealed; provided that the said act shall be in force and have effect for the recovery of all forfeitures heretofore incurred or to be incurred under the provisions of said act hereby repealed, prior to the first day of September next.

And be it further provided that this act shall not be in force or take effect until the 1st. day of September next.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1827, June 22.

Upon the petition of John B. Dorion and others, representing that Nicholas Dorion formerly of Quebec in the Province of Lower Canada, and late of Boston in the Commonwealth of Massachusetts, died seized in fee of a certain tract, or parcel of land, situate in Haverhill aforesaid, and described as follows, viz, Beginning at a stake and stones standing S. 54° 20" E. five rods and twenty links from the southeast corner of Moody Bedel's brick house, thence S. 14° 20' W. thirty rods, thence S. 40° W. seventeen rods twenty one links, thence S. 55° 40' E. twenty rods to a stake and stones, thence S. 40° 30' W. sixteen rods to a stake and stones, thence S. 32° W. sixteen rods to a stake and stones standing on the north line of John Page's land, thence S. 55° 40' E. one hundred and fifty one rods and eight links to an elm tree which is the corner bound of the house lots Nos. 65 and 66 at the east end, thence N. 34° 30' E. forty five and an half rods to a stake upon the bank of Oliverian brook, then down the south bank of said brook, as the brook runs, one hundred and twenty nine rods and four links to a stake and stones, thence S. 30° W. seven rods to a stake and stones, thence N. 47° 30' W. twelve rods twenty links to the end of a stone wall, thence N. 53° W. twenty six rods and eighteen links, thence N. 64° W. twenty seven rods and two links to the first mentioned bound, containing seventy one acres, one quarter and eighteen rods, be the same more or less. That the said Nicholas died intestate, sole, and without issue, and that by reason of the alienage of the petitioners, heirs at law of said Nicholas, the said land would, upon an inquest being had, escheat to this State, and that the Legislature would forego the right of the State in this particular.

Therefore, Resolved by the Senate and House of Representatives in General Court convened, That the petitioners, John B. Dorion, Etienne Gawin, Marie Gawin, wife of said Etienne, Joseph Dorion. and the

children of Peter Dorion deceased, the said John, Joseph and Peter, being brothers, and said Marie, the sister of said Nicholas, deceased, be, and they are hereby authorized and empowered, to take, hold, and convey, said parcel of land as fully and effectually, and in the same proportions as if they were citizens of the United States; and that this State do not, and will not, claim said estate as an Escheat by reason of the ailenage of the heirs at law of the said Nicholas, deceased. Provided however, that nothing herein contained shall exempt said real estate, from the power of the Administrator of the estate of said Nicholas Dorion, to make sale thereof for payment of the intestate's debts, in case the personal estate proves inadequate for that purpose.

[Acts, vol. 24, p. 381.]

1827, June 26.

Resolved by the Senate and House of Representatives in General Court convened, That the towns of Shelburne, Shelburne addition, Success and Maynesborough be and they hereby are classed for the purpose of electing a Representative; and the inhabitants of said towns are hereby authorized to elect and send a Representative to the General Court, until the Legislature shall otherwise order.

And be it further Resolved, That the towns of Randolph, Jefferson, Kilkenny, Bretton-woods and Nash and Sawyer's location in the County of Coos be, and they hereby are classed for the purpose of electing a Representative; and the inhabitants of said towns are hereby authorized to elect and send a Representative to the General Court until the Legislature shall otherwise order.

[Acts, vol. 24, p. 391.]

1827, June 26.

Resolved by the Senate and House of Representatives in General Court convened, That a further term of three years from the 16th. day of June A.D. 1827, be allowed Daniel Pinkham to complete the road from Adams to Randolph in the County of Coos, agreeably to the conditions, and subject to the provisions and limitations, of a resolution of the General Court passed June 16, 1824.

[Acts, vol. 24, p. 393.]

1827, June 30.

Resolved by the Senate and House of Representatives in General Court convened, That William M. Richardson of Chester, John Porter of Londonderry, and Samuel D. Bell of Chester, receive one hundred and eighty dollars in full, for revising the laws of this State, relating to towns and town officers, so far as they have reported, and for drafting the bills by them submitted at this session, and that the said sum be paid out of the Treasury.

[Acts, vol. 24, p. 405.]

1827, June 30.

Resolved by the Senate and House of Representatives in General Court convened, That his Excellency the Governor by and with the advice of the Council be, and is, hereby authorized to appoint two Commissioners on the part of this State, who shall have power under the direction of the Governor, and in conjunction with commissioners to be appointed on the part of the State of Maine to ascertain, survey, mark and renew the dividing line between this State and the State of Maine, in its whole extent, and to erect thereon suitable monuments to designate it as the boundary line of said States.

And be it further Resolved, That his Excellency the Governor of this State be requested to transmit a copy of this Resolution to the Governor of the State of Maine, and take such other measures as may be necessary to carry the same into immediate effect.

[Acts, vol. 24, p. 409.]

1827, July 4.

Resolved by the Senate and House of Representatives in General Court convened, That the Governor with advice of the Council, be authorized to draw on the Treasurer in favor of Robert Neal and Alexander Ladd, in a sum not exceeding six hundred dollars for the purpose of erecting an additional story eight feet in height, of brick, on the Arsenal at Portsmouth, when they shall have received satisfactory evidence that the fee of the land on which said Arsenal stands, is vested in this State, and the additional story completed.

[Acts, vol. 24, p. 423.]

1827, July 5.

Resolved by the Senate and House of Representatives in General Court convened, That the Attorney General be, and he hereby is directed and instructed at the next term of the Superior Court of Judicature to be holden in the County of Grafton, to cause process to be instituted, to ascertain by what right the proprietors of the locks at White River Falls demand and receive tolls at said locks, and to prosecute the same until a final adjudication by said Court, upon said claim of right.

[Acts, vol. 24, p. 425.]

1827, July 6.

Resolved by the Senate and House of Representatives in General Court convened, That Jeremiah Pecker, Esquire, of Concord, be authorized to contract with some person to alter the room under the Senate chamber and divide the same into rooms for the use of committees, on a level with and similar to those in the south wing of the capitol; and when the same is completed to the satisfaction of the said Jeremiah Pecker, who is hereby

appointed agent to superintend said work, the Governor is authorized to draw such sum from the Treasury as may be necessary to defray said expences, provided said sum shall not exceed the sum of three hundred and fifty dollars. Provided, that the whole extent of the ground floor shall be left in a single room.

[Acts, vol. 24, p. 447.]

1827, July 7.

Resolved by the Senate and House of Representatives in General Court convened, that the Treasurer of this State be authorised to sell and convey by deed of quitclaim, duly executed, to James Bean, a certain tract of land situated in the County of Coos and State of New Hampshire, containing five hundred acres, agreeably to the plan, accompanying the report of the Honourable Richard Odell, June A.D. 1826. provided the said James Bean or any person authorised by him, pay or cause to be paid to the Treasurer of this State the value of said land, as appraised by said Odell, at five cents per acre, amounting to twenty five dollars, in one year from the passage of this Resolve.

[Acts, vol. 24, p. 503.]

1827, July 7.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be authorized to draw upon the Treasury of this State for a sum not exceeding three hundred dollars to defray the expences of the Commissioners for the purpose of establishing the boundary line between this State and the State of Maine, who are to be accountable to the General Court for the proper application of the same.

[Acts, vol. 24, p. 505.]

1827, July 7.

Resolved by the Senate and House of Representatives in General Court convened, That William M. Richardson of Chester, John Porter of Londonderry, and Samuel D. Bell of Chester who were appointed by a resolution passed at the last session to revise the laws relating to towns and town officers, be requested to complete the revision of said laws, and to report at the next June session of the General Court such further bills relating to the subjects aforesaid as they shall deem expedient, and that His Excellency the Governor be requested to notify these Gentlemen of the same.

[Acts, vol. 24, p. 507.]

1827, July 7.

Resolved by the Senate and House of Representatives in General Court convened, That the Treasurer of this State be authorized to sell and convey by deed of quit claim duly executed to Barzilla Emery, a certain tract of land situated in Bartlett in the County of Coos and State of New Hampshire, containing eight acres one fourth and thirty square rods agreeably to the plan accompanying the Petition of said Emery, provided the said Emery or any person authorized by him pay or cause to be paid into the Treasury of this State—the value of said land being three dollars and thirty five cents.

[Acts, vol. 24, p. 513.]

1827, July 7.

Resolved by the Senate and House of Representatives in General Court convened, That the Secretary of State be and he hereby is directed to apply to the proper authorities to obtain from the records and files of the State of Massachusetts from 1641 to 1680 and from 1689 to 1692, during which times this State was under the government of Massachusetts, copies of all the public acts and documents having particular reference to this State; and that the Secretary make application to the proper authorities for the records and files of the County of Norfolk, or copies thereof, which pertain to any town or towns in this State.

[Acts, vol. 24, p. 515.]

[THIRTY-SEVENTH GENERAL COURT.]

*[Held at Concord, Two Sessions, June 4, 1828, to June 19, 1828,
and November 19, 1828, to January 3, 1829.]*

[OFFICERS OF THE GOVERNMENT.]

JOHN BELL, GOVERNOR.
 DUDLEY S. PALMER, SECRETARY.
 JAMES WILCOMB, DEPUTY SECRETARY.
 SAMUEL MORRILL, TREASURER.
 GEORGE SULLIVAN, ATTORNEY GENERAL.
 NAHUM PARKER, PRESIDENT OF THE SENATE.
 JAMES WILSON, JR., SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Langley Boardman,	Portsmouth.
Andrew Peirce,	Dover.
Matthew Harvey,	Hopkinton.
Jotham Lord,	Westmoreland.
Caleb Keith,	Wentworth.

[MEMBERS OF THE SENATE.]

John W. Parsons,	Rye.
William Plumer, Jr.,	Epping.
David Steele,	Goffstown.
Hall Burgin,	Allenstown.
James Bartlett,	Dover.
Daniel Hoit,	Sandwich.
John Wallace, Jr.,	Milford.
Bodwell Emerson,	Hopkinton.
Nahum Parker,	Fitzwilliam.
Thomas Woolson,	Claremont.
James Poole,	Hanover.
John W. Weeks,	Lancaster.

[MEMBERS OF THE HOUSE.]

ROCKINGHAM COUNTY.

Atkinson and }	Henry Tucker.
Plaistow, }	Andrew Dudley.
Brentwood,	John Lane.
Candia,	John Bryant.
Chester,	Jesse J. Underhill.

Deerfield,	Dudley Freese.
	Benjamin Jenness.
Derry,	John Porter.
	Alanson Tucker.
East Kingston and } South Hampton, }	Abel Brown.
Epping,	Lawrence Brown.
Exeter,	Jeremiah Dow.
	Oliver W. B. Peabody.
Greenland,	Alfred Metcalf.
Hampstead,	Jesse Gordon.
Hampton,	Joshua Lane.
Hampton Falls,	William Brown.
Hawke and } Sandown, }	Samuel Pillsbury.
Kensington,	Jeremiah Batchelder.
Kingston,	William Webster.
Londonderry,	John Holmes.
Newcastle,	William Vennard, Jr.
Newington,	Cyrus Frink.
Newmarket,	Arthur Branscomb.
Newton,	John Bartlett.
North Hampton,	Nathaniel Batchelder.
Northwood,	Ebenezer Coe.
Nottingham,	Ebenezer Butler.
Poplin,	Josiah Robinson.
Portsmouth,	Andrew Bell.
	Samuel E. Coues.
	Alexander Ladd.
	Nathaniel B. March.
	John N. Sherburne.
Raymond,	Moses Dudley.
Rye,	Simon Jenness, Jr.
Salem,	Thornton Betton.
Seabrook,	John Locke.
Stratham,	Levi Jewell.
Windham,	Samuel Anderson.

STRAFFORD COUNTY.

Alton,	Thomas Flanders, Jr.
Barnstead,	John Kent.
	John Peavey.
Barrington,	William Hale.
Brookfield,	John T. Churchill.
Burton and } Chatham, }	Jonathan K. Eastman.

Center Harbor,	Jonathan T. Moulton.
Conway,	Samuel Stark.
Dover,	Daniel M. Christie.
	Samuel Kimball.
	Eri Perkins.
	John Williams.
Eaton,	John March.
Farmington,	Jeremiah Jones.
Gilmanton,	Peter Clark.
	Stephen L. Greely.
Gilford,	Lyman B. Walker.
Lee,	George Lang.
Madbury,	Sargent Hanson.
Meredith,	Warren Lovell.
	Washington Smith.
Middleton,	Jacob R. Pillsbury.
Milton,	Thomas Chapman.
Moultonborough,	Thomas Shannon.
New Durham,	Thomas Tash, Jr.
New Hampton,	Washington Mooney.
Ossipee,	Ezekiel Wentworth.
Rochester,	Joseph Cross.
	James Farrington.
Sanbornton,	James Clark.
	Samuel Tilton.
Sandwich,	Daniel Hoit.
	Johnson D. Quimby.
Somersworth,	Joseph Doe.
	William W. Rollins.
Strafford,	Benning W. Jenness.
	Job Otis.
Tamworth,	Benjamin Gilman, Jr.
Tuftonborough,	Joseph L. Peavey.
Wakefield,	John Wingate.
Wolfeborough,	Henry B. Rust.

MERRIMACK COUNTY.

Allentown,	Andrew O. Evans.
Andover,	Joseph C. Thompson.
Boscawen,	John Farmer.
	Ezekiel Webster.
Bow,	Jonathan Cavis.
Bradford,	Daniel Millen.
Canterbury,	Joseph Moody.
Chichester,	David M. Carpenter.
Concord,	George Kent.
	Jacob B. Moore.

Dunbarton,
Epsom,
Fishersfield,
Henniker,
Hooksett,
Hopkinton,

Loudon,
New London,
Northfield,
Pembroke,
Pittsfield,
Salisbury,
Sutton,
Warner,

Wilmot,

James Allison.
William Ham, Jr.
Israel Putnam.
Jacob Rice.
John J. Ayer.
Stephen Darling.
Nathaniel Knowlton.
Cyrus Tucker.
Anthony Colby.
Jeremiah Smith.
Boswell Stevens.
James Underwood.
John Townsend.
Reuben Porter.
Benjamin Evans.
Abner B. Kelly.
Josiah Stearns.

HILLSBOROUGH COUNTY.

Amherst,
Antrim,
Bedford,
Brookline,
Deering,
Dunstable,

Francestown,
Goffstown,

Greenfield,
Hancock,
Hillsborough,
Hollis,
Litchfield,
Lyndeborough,
Manchester,
Mason,
Merrimack,
Milford,
Mont Vernon,
New Boston,
New Ipswich,
Nottingham West,
Pelham,
Peterborough,

Robert Reed.
Samuel Fletcher.
Joseph Colley.
Thomas Bennett.
William McKeen.
Israel Hunt, Jr.
Moody D. Lovewell.
William Bixby.
Jesse Carr.
Eliphalet Richards, Jr.
William Whittmore.
Joseph Simonds.
Thomas Wilson.
Benjamin M. Farley.
Josiah Richardson.
Nehemiah Boutwell.
Franklin Moore.
John Stevens.
James B. Thornton.
Josiah French.
Aaron F. Sawyer.
Samuel Trull.
Stephen Wheeler.
Thomas B. Wason.
James Hobbs.
Jonathan Smith.

Sharon,
 Society Land and }
 Windsor,
 Temple,
 Weare,
 Wilton,

Jonathan Farnsworth.
 John Dodge.
 Simon Farrar.
 Simon P. Colby.
 Tristram Eaton.
 Samuel Abbot.

CHESHIRE COUNTY.

Alstead,
 Chesterfield,
 Dublin,
 Fitzwilliam,
 Gilsun,
 Hinsdale,
 Jaffrey,
 Keene,

Marlborough,
 Marlow,
 Nelson,
 Richmond,
 Rindge,
 Roxbury,
 Stoddard,
 Sullivan,
 Surry,
 Swanzey,
 Trov,
 Walpole,
 Westmoreland,
 Winchester,

Asa Wentworth, Jr.
 Orlo Richardson.
 Samuel Adams.
 Levi Chamberlain.
 Aaron Day.
 Obed Slate.
 William Ainsworth.
 Salma Hale.
 James Wilson, Jr.
 Joseph Frost.
 William Lewis.
 Ezra Wardwell.
 Jonathan Rawson.
 Samuel L. Wilder.
 Samuel Griffin.
 Francis Matson.
 John Wilson.
 Francis Holbrook.
 Elijah Belding.
 Daniel Cutting.
 William G. Field.
 Samuel Winchester.
 Evi Pierce.

SULLIVAN COUNTY.

Acworth,
 Charlestown,
 Claremont,

Cornish,
 Croydon,
 Goshen,
 Grantham,
 Langdon,
 Lempster,

Daniel Robinson.
 Vryling Lovell.
 Josiah Richards.
 Austin Tyler.
 Benjamin Chapman.
 Briant Brown.
 Reuben Willey.
 Abiel Howard.
 Joseph Currier.
 Abner Chase.

Newport,
Plainfield,
Springfield,
Unity,
Washington,
Wendell,

Oliver Jencks.
John Ticknor.
John Quimby.
James Neale.
Jacob S. Gould.
John Colby.

GRAFTON COUNTY.

Alexandria,
Bath,
Bethlehem, }
Franconia and }
Lincoln, }

Bridgewater,
Bristol,
Campton,
Canaan,
Danbury and }
Orange, }
Enfield,
Grafton,
Groton,
Hanover,

Haverhill,

Hebron,
Holderness,
Landaff,
Lebanon,

Lisbon,
Littleton,
Lyman,
Lyme,
New Chester,
Orford,
Peeling and }
Ellsworth, }
Piermont,
Plymouth,
Rumney,
Thornton,
Warren,
Wentworth,

Samuel Cole.
Ira Goodall.

Nathaniel Knox.

Joseph Prescott.
Nathaniel G. Berry.
Ebenezer Little, Jr.
James Wallace.

Ephraim Crockett.

James Willis.
Richard Whittier.
Asahel Buel.
Jonathan Freeman, 2d.
Daniel Oliver.

Joseph Bell.
Caleb Morse.
Stephen Pillsbury.
Samuel Thompson.
Daniel Clark.
Timothy Kenrick.
Roswell Sartwell.

Cyrus Barclay.
David Rankin.
Caleb Emery.
Nathaniel Lambert.
Daniel Favor.
Leonard Wilcox.

Samuel Newell.

Richard Jenness.
David M. Russell.
Samuel Burnham.
Ephraim Elliot.
Jacob Patch.
Aaron Currier.

COOS COUNTY.

Adams and	}	Stephen Meserve.
Bartlett,	}	Abraham Boynton.
Colebrook,		Roswell Hobart.
Columbia,		
Jefferson,	}	
Kilkenny,	}	William Chamberlain.
Randolph,	}	
Bretton Woods and	}	
Nash and Sawyer's	}	
Location,	}	
Lancaster,		Adino N. Brackett.
Milan,	}	Thomas Peverly, Jr.
Northumberland,	}	
Piercy and	}	
Stratford,	}	
Shelburne,	}	Barker Burbank.
Shelburne Addition,	}	
Success and	}	
Maynesborough,	}	
Stewartstown,	}	
Dixville,	}	Jeremiah Lovering.
Millsfield,	}	
Errol and	}	
College Grant,	}	
Whitefield and	}	John M. Gove.
Dalton,	}	

[*First Session held at Concord, June 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 1828.*]

[CHAPTER 1.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF LONDONDERRY BY THE NAME OF THE PINKERTON ACADEMY IN LONDONDERRY.

[Approved June 12, 1828. Acts, vol. 25, p. 1. The act referred to is dated June 15, 1814, Laws of New Hampshire, vol. 8, p. 298. See also act of June 27, 1881, Session Laws, 1877-81, p. 576.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the corporation heretofore called and known by the name of "the Trustees of the Pinkerton Academy in Londonderry" shall ever hereafter be called and known by the name of "The Pinkerton Academy.

[CHAPTER 2.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE AN ACADEMY BY THE NAME OF THE ADAMS FEMALE ACADEMY," APPROVED JUNE 18TH 1823.

[Approved June 12, 1828. Acts, vol. 25, p. 3. See act referred to, *ante*, p. 183.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the whole number of the Trustees of the Adams Female Academy shall hereafter be nine, and a majority of the Trustees of said academy for the time being, shall constitute a quorum which shall be competent by major vote to fill any vacancies in said board and to transact any other business which may come before them

[CHAPTER 3.]

State of }
New Hampshire. }

AN ACT TO ENLARGE THE CAPITAL OF THE GREAT FALLS MANUFACTURING COMPANY.

[Approved June 13, 1828. Acts, vol. 25, p. 5. See act of incorporation dated June 11, 1823, *ante*, p. 175. See also acts of June 21, 1826, *ante*, p. 490; July 10, 1846, Session Laws, 1846, Chap. 447, and July 8, 1862, *id.*, 1862, Chap. 2679.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Great Falls Manufacturing Company is hereby authorized and empowered to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate as may be necessary and useful in conducting the business of said corporation: Provided the estate held by said corporation shall not at any one time exceed fifteen hundred thousand dollars, any thing contained in the act incorporating said Company, or in the act in addition thereto to the contrary notwithstanding

[CHAPTER 4.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF STEPHEN BROWN.

[Approved June 14, 1828. Acts, vol. 25, p. 7.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that the sum of twenty nine dollars be paid to Stephen Brown of Concord, in full of his account, out of any money in the Treasury not otherwise appropriated.

[CHAPTER 5.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT PASSED JANUARY 25, A.D. 1795 ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS AND THEIR ASSOCIATES INTO A PROPRIETORY BY THE NAME OF THE NEW HAMPSHIRE HOTEL AND PORTSMOUTH PIER.

[Approved June 14, 1828. Acts, vol. 25, p. 9. The act referred to is dated January 8, 1795, Laws of New Hampshire, vol. 6, p. 214. See also act of June 22, 1832, Acts, vol. 29, p. 50.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, that the proprietors of the New-Hampshire Hotel and Portsmouth Pier, be and hereby are authorized and empowered to increase the number of equal shares in said corporation not exceeding thirty over and above the number of shares, which said corporation is now empowered to hold.

Section 2^d And, be it further enacted, that the aforesaid proprietors of the New Hampshire Hotel and Portsmouth Pier, be and hereby are authorized and empowered to take by purchase or otherwise, and to have and to hold to them and their assigns other real estate of the annual income of three thousand dollars over and above the amount of real estate which said Corporation is now empowered to hold.

[CHAPTER 6.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE STRAFFORD MANUFACTURING COMPANY.

[Approved June 14, 1828. Acts, vol. 25, p. 21.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Theodore Chase, Asa Freeman, Christopher C. Wolcott, Ebenezer Wentworth, John Rice, James Shapley, Titus Salter, John Burnstead, Gardner Green, William Sawyer, John D. Williams, John Hooper, David Sears, Henry Gassett, Henry Hubbard, and Ebenezer Francis and their associates and successors, be and they hereby are incorporated and made a body corporate and politic forever, by the name of the Strafford Manufacturing Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, may

have and use a common seal, and the same may break, alter and renew at pleasure, and may also make, ordain and put in execution, such by-laws and regulations, not being repugnant to the Constitution and Laws of this State, as shall be necessary, proper and convenient for the government of said corporation and the due management of its concerns, and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, that the said corporation be and the same hereby is empowered, to establish, manage and carry on the manufacture of cotton, linen and woolen goods, and of all kinds of machinery, and such other branches of trade and manufacture as shall be necessarily connected therewith, at any place or places which they may, or shall, possess on or near the Salmon Falls river in the town of Somersworth and the Bellamy Bank river in the town of Dover or either of them, and to purchase, take, hold and convey real and personal estate of every kind to such an amount as they shall find necessary or convenient in the management of their concerns, provided the same shall not exceed the sum of fifteen hundred thousand dollars, and the same to manage, improve, change and sell at their pleasure, and to erect on the real estate owned or to be purchased and held by them as aforesaid, such dams, canals, mills, buildings, machines and works as they may deem necessary or useful in managing and carrying on their business aforesaid. Provided however that nothing in this section is intended to authorize said corporation in any manner to interfere with the rights of other individuals or persons without their consent.

Section 3^d. And be it further enacted, that the said Theodore Chase, Asa Freeman and Christopher C. Wolcott, or any two of them, may call the first meeting of said corporation to be holden at some suitable time and place in the towns of Dover or Somersworth, by publishing notice thereof, at least seven days prior to the time appointed for holding said meeting, in one or more newspapers printed in towns of Dover and Portsmouth and also in some newspaper printed in the city of Boston, at which meeting said corporation may proceed to the choice of a clerk who shall be sworn to the faithful discharge of the duties of his office, and may also choose such other officers and servants and prescribe their respective duties as they may think necessary; may prescribe and agree on the manner of calling, holding and conducting future meetings of said corporation; and may also transact and do any other business relating to the property or concerns of said Corporation.

Section 4th. And be it further enacted, that the capital stock of said Corporation shall be divided into shares to be numbered in progressive order, which shares may be assessed to any amount not

exceeding one thousand dollars on each share, in such manner and payable at such time or times as said Corporation may in their By-Laws, or otherwise prescribe and determine: And at all meetings of said Corporation each member shall be entitled to cast one vote for each share he may own and hold in the capital stock thereof on any question which may come before such meetings; and absent members may be represented and vote at said meetings by an agent for that purpose duly authorized in writing signed by the member or members to be represented, which writing shall be filed with the clerk of said Corporation: And at such meetings all questions shall be determined by a majority of the votes cast, except in such cases as said Corporation may by their By Laws otherwise prescribe and determine.

Section 5th. And be it further enacted, that the shares in the capital stock of said Corporation, shall be liable and holden for the payment of all assessments legally made thereon: And in case of neglect by any stockholder to pay the sum assessed upon his share or shares or any part thereof for the space of thirty days after the same shall become due and payable, such share or shares, or so many of them as shall be sufficient to pay the amount due thereon, may be sold and transferred for the payment of the same in such way and manner as may be prescribed in the By-Laws of said Corporation.

[CHAPTER 7.]

State of }
New Hampshire. }

AN ACT FOR THE PUNISHMENT OF THE CRIME OF MANSLAUGHTER.

[Approved June 18, 1828. Acts, vol. 25, p. 25. Session Laws, 1828, Chap. 7. See acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 596; June 19, 1812, id., vol. 8, p. 129; June 28, 1825, *ante*, p. 415, and January 2, 1829, *post*.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That if any person shall commit the crime of manslaughter, such person shall be punished by fine not exceeding one thousand dollars, or by fine not exceeding five hundred dollars and imprisonment in the common gaol not exceeding one year, or by solitary imprisonment in the State's prison not exceeding six months, and confinement to hard labor therein for life or any less period of time in the discretion of the Court before whom the conviction shall be, and according to the aggravation of the offence.

Section 2. And be it further enacted, That all acts and parts of acts heretofore passed, so far as they relate to the punishment of

the said crime of manslaughter, be and they hereby are repealed, saving that they shall continue and be in force for the punishment of the said crime of manslaughter, committed before the passing of this act.

[CHAPTER 8.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE MILES TAYLOR AND OTHERS BY THE NAME OF THE UNION MANUFACTURING COMPANY IN HANCOCK.

[Approved June 18, 1828. Acts, vol. 25, p. 27.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court, convened, That Miles Taylor, Moody Butler, John Dodge and Samuel Baldwin, and their associates and successors, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Union Manufacturing Company in Hancock, by which name they may sue and be sued, prosecute and defend to final judgment and execution, and shall be, and hereby are, vested with all the powers of similar corporations, and may have a common seal which they may at pleasure break, alter or renew

Section 2. And be it further enacted, That said corporation is hereby authorized, to carry on the making and manufacturing of Paper, and of Cotton and Woolen goods, and such other manufactures as they may from time to time think fit, in Hancock in the County of Hillsborough, and may carry on such branches of trade and business as may be necessarily connected therewith, and may erect such dams, mills, and other works as may be necessary to carry on such branches of manufacture and business.

And the said Corporation shall also have power to acquire by purchase, or otherwise, such real and personal estate as may be necessary or convenient for carrying on said branches of business: provided such estate shall not exceed the value of twenty thousand dollars, and the same may dispose of and sell at pleasure

Section 3. And be it further enacted, That the capital stock of said Corporation may be divided into as many shares as the proprietors at any legal meeting shall determine, which shall be numbered in progressive order, beginning at one: And each proprietor shall have a certificate under the hand of the Treasurer and seal of said corporation, expressing the number of shares, the progressive number thereof, and certifying that he is the owner thereof which shares may be alienated in such manner as said Corporation may prescribe.

Section 4. And be it further enacted, That the shares in said Corporation, shall be liable for all assessments thereon legally made: and upon the non payment of all or any part of the same for thirty days after the same shall have become payable, the treasurer may advertise and sell at public auction such delinquent's shares, or so many of them as may be necessary to pay the sums due with incidental charges in such manner as the by-laws of the said Corporation may ordain.

Section 5. And be it further enacted, that Miles Taylor, Moody Butler and John Dodge, or any two of them may call the first meeting of said Corporation at said Hancock by posting up a notice of the time and place where the same is to be holden, in some public place in said town of Hancock for three weeks successively, previous to the time of holding the same, and the members of said Corporation at that, or any legal meeting, by a vote of the majority of those present or represented, allowing one vote for each share, may choose such officers and servants as they may deem necessary, prescribe their duties order assessments and fix the time of their payment, pass by-laws not repugnant to the Constitution and laws of the State for their due regulation and government, prescribe rules for the transfer of their stock, agree on the manner of calling future meetings: and untill such manner shall be agreed upon, any future meeting may be called in the manner herein prescribed for calling the first meeting, at which they may transact such other business of the Corporation as they may deem necessary.

[CHAPTER 9.]

State of }
New Hampshire. }

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN INHABITANTS OF THE TOWN OF ALSTEAD INTO "A SOCIETY, BY THE NAME OF THE SOCIETY OF THE FIRST PARISH "IN ALSTEAD", PASSED THE 29TH DAY OF JUNE A.D. 1815.

[Approved June 18, 1828. Acts, vol. 25, p. 39. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 456.]

Be it enacted by the Senate and House of Representatives in General Court convened, That any person, who may hereafter desire to join said society, and shall communicate to the clerk thereof such his desire in writing by him subscribed, such person, being an inhabitant of the town of Alstead, shall, after being accepted by vote of said society, at some legal meeting thereof, and not otherwise, be entitled to all the rights, privileges and immunities to the same belonging, and shall be subiected to a share of all the burthens and

expenses of the said society. And any person, who may at any time desire to withdraw from the said society, and who shall give notice to the clerk thereof such his desire in writing by him subscribed shall be discharged and exempt from all the expenses and liabilities incurred by becoming a member of said Society. Provided nevertheless that such person shall not be discharged from the payment of any debt contracted, liabilities incurred, or of any monies which shall be assessed at the time of his giving notice as aforesaid.

And be it further enacted, That the said Society shall hold their annual meeting on the first Thursday of March forever; provided that this section shall not be in force until after the first Monday in October next.

And be it further enacted, That the second and last sections of said act, be and hereby are repealed.

[CHAPTER 10.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE GRAFTON LODGE NUMBER FORTY SIX, IN HAVERHILL.

[Approved June 18, 1828. Acts, vol. 25, p. 41. See act of June 27, 1867, Session Laws, 1867-71, p. 76.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Page, John S. Bunce and William Ladd and their associates, and all persons who may hereafter become members of said lodge, be, and they hereby are incorporated and made a body corporate and politic forever by the name of Grafton Lodge number forty six, in Haverhill: And the said body corporate is hereby empowered to hold and possess real and personal estate not exceeding one thousand dollars, and is vested with all the powers, rights and privileges incident to such corporations.

Section 2^d. And be it further enacted, that said lodge at any of the regular communications, by giving one month's notice, at a regular communication, elect such officers and establish such by-laws, rules and regulations as may be deemed necessary for the government of said lodge and for carrying into effect the objects of this act not inconsistent with the constitution and laws of this State.

[CHAPTER 11.]

State of }
New Hampshire. }

AN ACT PROVIDING FOR THE RETURN OF INVENTORIES.

[Approved June 18, 1828. Acts, vol. 25, p. 43. Session Laws, 1828, Chap. 11. See acts of June 23, 1832, id., 1832, Chap. 85; June 18, 1836, id., 1836, June session, Chap. 238; June 28, 1843, id., 1843, Chap. 42, and August 17, 1878, id., 1877-81, p. 198.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the selectmen, or the major part of them, at the charge of the town or place to which they belong, shall transmit and return an inventory of the polls and rateable estates of the several towns and places within this State as taken for the current year, and shall also return distinctly the amount of the footing of each column of the inventory taken in April last year, into the Secretary's office on or before the nineteenth day of November next, which inventory shall consist of all male polls from eighteen to seventy years of age, except such from eighteen to twenty one as shall be enrolled in the militia, presidents, professors, tutors, instructors and students of colleges, preceptors of academies, paupers and idiots: also of the following articles of which each person was possessed on the first day of April last, viz: orchard, arable, mowing and pasture land, accounting so much orchard land as will in a common season produce ten barrels of cider or perry, one acre: so much pasture land as will summer a cow, four acres: and what mowing land will produce commonly one ton of good English hay yearly, or meadow hay in proportion, one acre: and what arable or tillage land will commonly produce twenty five bushels of corn yearly, one acre: in which is to be considered all land planted with Indian corn, potatoes and beans, and sown with grain, flax or peas; all stallions or stud horses, that have been wintered three winters: all other horses and mares, distinguishing those that have been wintered, two, three, four and five winters: all jacks that have been wintered three winters: all mules, distinguishing those that have been wintered two, three, four and five winters; all oxen, distinguishing those which have been wintered four and five winters: all cows that have been wintered four winters: all young cattle, distinguishing those that have been wintered two and three winters; all mills, wharves and ferries and the yearly rent thereof, the yearly repairs thereof being first deducted, according to the judgment of the person taking the inventory: the sum total of all bank stock: the sum total of the value of all real estate, viz: land and buildings not included in the above-mentioned articles, exclusive of all toll-bridges, whether owned by residents or non-residents, except such as are appropriated to public use: the sum

total of the value of all the stock in trade: the sum total of all money on hand and at interest more than the party pays interest for.

Section 2. And be it further enacted, that said inventory taken as above shall be made agreeably to the following form viz:

	Polls from eighteen to seventy years of age, excepting those from eighteen to twenty one, enrolled in the militia, presidents, professors, tutors, instructors and students of colleges, preceptors of academies, paupers and idiots.
	Acres of orchard land.
	Acres of arable land.
	Acres of mowing land.
	Acres of pasture land.
	Stallions or stud horses that have been wintered three winters. and upwards.
	Other horses and mares that have been wintered five winters.
	Other horses and mares wintered four winters.
	Horses and mares wintered two winters.
	Jacks that have been wintered three winters.
	Mules that have been wintered four winters.
	Mules that have been wintered three winters.
	Mules that have been wintered two winters.
	Oxen wintered five winters.
	Oxen wintered four winters.
	All cows wintered four winters.
	All neat stock wintered but three winters.
	All neat stock wintered but two winters.
	Yearly rent or income of wharves, mills and ferries, yearly repairs deducted.
	Sum total of all bank stock.
	Sum total of the value of all buildings and real estate, improved and owned by residents and non residents, not included in the above.
	Sum total of the value of all stock in trade.
	Sum total of money at interest, including stock in the funds and securities for any kind of property at interest, more than interest is paid for, and including money on hand.
	Sum total of the value of all unimproved lands, whether owned by residents or nonresidents.
	All chaises, coaches, sulkies and other wheeled carriages of pleasure.

And in all cases where a copy of the inventory, taken in April last, cannot be had, every person is required to give in a true and faithful inventory of the foregoing articles belonging to him respectively on oath or affirmation, if the same shall be required by the person or persons taking said inventory, who are hereby empowered to administer the same; and if any person or persons shall refuse or neglect to give in such inventory in manner aforesaid, the person or persons taking said inventory shall set down to him or them so much as may appear equitable by way of doomsage. And the selectmen of the oldest town, adjacent to any town or place where no selectmen are chosen, shall take an inventory of such town or place, or appoint some person or persons in said town or place to prepare the same and return it as aforesaid, who shall receive therefor a reasonable compensation from the treasury, on their accounts being allowed by the General Court.

Section 3. And be it further enacted, that the said selectmen shall make return of what a single poll was taxed in the last state tax. And they are also hereby required to make returns of the amount of taxes assessed for the last and present year on any factory for the manufacture of cotton or woollen goods, iron, salt, glass or paper, with the valuation of the same; and also of the average amount of the capital stock of any factory, not assessed the last year or the present year.

Section 4. And be it further enacted, that if the selectmen of any town or place shall neglect or refuse to prepare and transmit the above-mentioned inventories and returns in the manner herein prescribed, they shall forfeit and pay for every such neglect or refusal a sum not exceeding fifty dollars, nor less than twenty dollars, for the use of the town or place to which the said delinquent selectmen may belong. And the Secretary of State, as soon as may be, after the said nineteenth day of November next, shall give information to the Attorney General of all such neglects or refusals, that such offending selectmen may be prosecuted by indictment, information or otherwise, in any Court proper to try the same. Provided, that all prosecutions for penalties incurred by such neglect or refusal, shall be commenced within six months from the said nineteenth day of November next.

[CHAPTER 12.]

State of }
New Hampshire. }

AN ACT MAKING APPROPRIATIONS FOR THE MILITIA OF THIS STATE.

[Approved June 18, 1828. Acts, vol. 25, p. 55. Session Laws, 1828, Chap. 12.]

Be it enacted by the Senate and House of Representatives in General Court, convened, that the following sums be paid out of any money not otherwise appropriated for the purposes herein mentioned; for the annual allowance to the several companies of artillery in this State, four hundred and eighty dollars; for making regimental returns, eighty dollars; And his excellency the Governor is hereby authorised, by warrant on the treasury, to draw said sums therefrom, and deliver the same to the Adjutant General; who is hereby required to apply the same to the purposes above specified, so far as may be necessary; and to render an account thereof to the Legislature.

[CHAPTER 13.]

State of }
New Hampshire. }

AN ACT RELATING TO THE TOWN OF DERRY.

[Approved June 18, 1828. Acts, vol. 25, p. 57. Session Laws, 1828, Chap. 13.]

Be it enacted by the Senate and House of Representatives in General Court convened, That one of Carrigain's maps of the State, and the laws of the State, be, and hereby are, granted to the town of Derry. And the treasurer of the State is hereby directed to procure the same at the charge of the State, and deliver the same to one of the representatives of Derry.

[CHAPTER 14.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE EXETER SAVING'S BANK.

[Approved June 18, 1828. Acts, vol. 25, p. 59. See resolution of December 21, 1842, Session Laws, 1842, November session, Chap. 24; acts of July 2, 1851, id., 1851, Private Acts, Chap. 1169; resolutions of June 27, 1873, id., 1872-76, p. 177, and July 2, 1875, id., p. 469.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that John Rogers, Sherburn Blake, John Kimball, Freese Dearborn, Theodore Moses, David W. Gorham, Joseph Tilton Jr., Peter Chadwick, Stephen Hanson and Josiah G. Smith, be, and they are hereby incorporated into a society by the name and style of the Exeter Savings' Bank; and that they and such others as shall be duly elected members of said Corporation, at the annual meeting thereof according to such by-laws as may hereafter be established; shall be and remain a body politic and corporate by said name and style forever, for the purpose of enabling industrious persons of all descriptions to invest such part of their earnings as they can conveniently spare in a safe and profitable manner; and with all the powers and privileges, and subject to all the liabilities of Corporations of this nature.

Section 2. And be it further enacted, that the said Corporation shall be capable of receiving from any person or persons, disposed to enjoy the advantages of said Savings Bank, any deposit or deposits of money, or other personal property, and to use, manage and improve the same for the benefit and advantage of the person or persons, by, or for whom the same shall be deposited respectively; and the net income and profit of all deposits of money received by said Corporation, shall be paid out and distributed in just proportion, among the several persons by, or for whom the said deposits shall have been made: and all such deposits may be withdrawn by the persons entitled thereto, at such reasonable times, and in such manner as said Corporation in its by-laws may direct and appoint: or, according to such lawful conditions and limitations as the depositors, agreeably to the regulations of said society, may respectively have prescribed and annexed to their deposits.

Section 3. And be it further enacted, that the said Corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing its affairs: provided such real estate held at any one time for the said purpose, shall not have exceeded in value at the time of the purchase or acceptance thereof by said Corporation, the sum of six thousand dollars: And the said Corporation shall be further able to take, hold, and dispose of, any real estate whatsoever, which

may be, bona fide mortgaged or pledged for the security of its loans, or debts due to it, or which may be bona fide, conveyed to, or taken by said Corporation in satisfaction or discharge of debts, demands or liabilities, which have been previously contracted or incurred: provided that the real estate so holden shall not, at any one time, exceed in value the sum of fifteen thousand dollars.

Section 4. And be it further enacted, that said Corporation shall not make and issue any bill, or promissory note to circulate as currency. And the President and members of said Corporation, shall receive no compensation for their services in said Savings' Bank, nor derive any emolument therefrom: provided, however, that a reasonable allowance may from time to time be made to their Treasurer, or Secretary. And the books and accounts of said Corporation shall be open at all times to the inspection of the Governor of this State; of any Justice of the Superior Court of Judicature; or of a committee, for that purpose, appointed by either branch of the Legislature.

Section 5. And be it further enacted, that the number of members of said Corporation, shall not exceed forty at any one time; and any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said Corporation: provided such meetings shall have been duly notified according to the by laws of said Corporation: and provided further, that said Corporation may, by its by-laws require the attendance of one or more of its officers to constitute a quorum for the election of new members, in addition to the number of members herein before prescribed, for constituting a quorum.

Section 6. And be it further enacted, that John Rogers, Sherburn Blake and John Kimball, or any two of them, may call the first meeting of said Corporation in such manner, and at such time and place, as they shall judge proper.

[CHAPTER 15.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN NAMED.

[Approved June 18, 1828. Acts, vol. 25, p. 71. Session Laws, 1828, Chap. 15.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passage of this act, the several persons herein named shall be called and known by

the names which, by this act, they are respectively allowed to assume, viz: John Hogg of Deering, may take the name of John Woodbury; and Folensbee Hogg of Deering, may take the name of Folensbee Woodbury; that Susannah Hogg, wife of the said Folensbee Hogg, may take the name of Susannah Woodbury; that Levi Austin Hogg of Deering, may take the name of Levi Austin Woodbury; that Samuel Worthen of Bristol, may take the name of Samuel Rush Worthen; that John L. Graves of Ossipee, may take the name of John L. Stimpson; that Nathaniel Horne of Wolfsborough, may take the name of Augustine Woodbridge Orne; that Silas Moor Garland of Windham, may take the name of Silas Moor; that Hannah Garland, wife of the aforesaid Silas Moor Garland, may take the name of Hannah Moor; that Jeremiah Garland of Windham may take the name of Jeremiah Moor; that Martha Garland of Windham, may take the name of Martha Moor; that John Abbot Jr. of Portsmouth, may take the name of John William Abbott; that William Emerson Rockwood 2^d of Wilton, may take the name of William Emerson; that John Lane 3^d of Sanbornton may take the name of John S. Lane; that Josiah Philbrook 3^d of Sanbornton, may take the name of Josiah C. Philbrook; that James Squires Purington of Dover, may take the name of James Purington Squires; that Olive Batchelder of Exeter, may take the name of Olive Blake; that Eliza A. Leathers of Farmington, may take the name of Eliza A. Rand; that Albert W. Horne of Wolfsborough, may take the name of Albert W. Orne. And the several persons, herein named, shall hereafter be called and known by the names, which by this Act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[CHAPTER 16.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SOCIAL LODGE NUMBER FIFTY, IN ENFIELD.

[Approved June 18, 1828. Acts, vol. 25, p. 73.]

Section 1st Be it enacted by the Senate and House of Representatives in General Court convened, that Richard Currier 3^d, Henry Currier and John C. Clough and their associates and all persons who may hereafter become members of said Lodge, be, and they hereby are, incorporated and made a body corporate and politic forever, by the name of Social Lodge number fifty in Enfield, and the said body corporate is hereby empowered to hold and

possess real and personal estate not exceeding one thousand dollars, and is vested with all the powers, rights and privileges incident to such corporations.

Section 2^d And be it further enacted, that said Lodge may at any of the regular communications, by giving one month's notice, at a regular communication, elect such officers and establish such by-laws, rules and regulations, as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects of this act not inconsistent with the constitution and laws of this State.

[CHAPTER 17.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE LA FAYETTE LODGE NUMBER FORTY ONE
IN BEDFORD.

[Approved June 18, 1828. Acts, vol. 25, p. 75.]

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened. That Robert Dunlap, William M. D. Ferson, John Moor, James M. H. Wilkins and Joseph Colbey and their associates, and all persons who may hereafter become members of said Lodge, be, and they hereby are incorporated and made a body corporate and politic forever by the name of La Fayette Lodge number forty one in Bedford. And the said body corporate is hereby empowered to hold and possess real and personal estate not exceeding one thousand dollars, and is vested with all the powers, rights and privileges incident to such corporations.

Section 2. And be it further enacted, That said Lodge may at any of the regular communications by giving one months notice at a regular communication, elect such officers, and establish such by laws, rules and regulations, as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects of this Act.

[CHAPTER 18.]

State of }
New Hampshire. }

AN ACT ENTITLED AN ACT TO ALTER THE NAME OF THE UNITED SOCIETY IN DEERFIELD.

[Approved June 18, 1828. Acts, vol. 25, p. 77.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the name of the United Society in Deerfield, is hereby altered and shall take and hereafter be known by the name of the first Baptist Society in Deerfield.

[CHAPTER 19.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PEQUAWKETT BRIDGE IN CONWAY.

[Approved June 18, 1828. Acts, vol. 25, p. 79. Session Laws, 1828, Chap. 19. See acts of July 1, 1831, Acts, vol. 28, p. 109, and June 24, 1834, id., vol. 30, p. 228.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Zera Cutler, Jonathan T. Chase, Nathaniel Abbot and Mark Bretton and their associates and those that may hereafter become associates in the said Bridge their successors and assigns, shall be and hereby are created and made a corporation and body politic by the name of the Pequawkett Bridge in Conway for and during the term of twenty years from the first day of July 1828. And by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended to final judgment and execution, and may have and use a common seal, and the same may alter at pleasure.

Section 2. And be it further enacted, that the said Corporation may erect and maintain a bridge across Saco River in said Conway, at any place within a half mile of the mouth of Little Pequawkett river, and may purchase and hold lands near said Bridge sufficient for the building a toll-house; and such other buildings as shall by the said Corporation be considered necessary for the purposes of this act. Provided such real estate shall not exceed in value the sum of two thousand dollars.

Section 3. And be it further enacted, that Zera Cutler, Jonathan T. Chase and Nathaniel Abbot or any two of them, may call the first meeting of said Corporation, to be holden at Conway in the county of Strafford at any suitable time and place by posting up at two public places in said Conway notifications by them signed, thirty days before such meeting. And at said meeting the proprietors by a majority of those present, may choose a clerk who shall be sworn faithfully to discharge his duty. And at the same or any subsequent meeting, may choose such other officers as they may deem expedient, and may establish such by-laws, rules and regulations, as shall be thought necessary for regulating and governing said Corporation and for completing the purposes of this act. Provided said by-laws be not repugnant to the Constitution and laws of this state.

Section 4. And be it further enacted, that at all meetings of said Corporation, all questions shall be determined by a majority of the votes of the proprietors present or represented, allowing one vote for each share. And all representations, at any meeting of said Corporation shall be proved in writing signed by the person to be represented, which shall be filed with the clerk: and this act, and all by-laws, rules, regulations and proceedings of said Corporation, shall be fairly recorded by the clerk in a book kept for that purpose.

Section 5. And be it further enacted, that the mode of conveyance of shares or interest in said Corporation, shall be by deed duly executed and acknowledged, and recorded by the clerk in the books of said Corporation, and the fees to be paid to the clerk for this service, shall be the same as are established by law for the Registers of Deeds in this state.

Section 6. And be it further enacted, that when any tax or assessment may be made on the shares of the proprietors, for the carrying into effect the purposes of this act the share or shares of delinquent proprietors may be sold at public auction, and if any over-plus remain after paying the tax or assessment on such shares and charges, it shall be deposited with the clerk or Treasurer of said Corporation to be delivered to the proprietor whose share or shares may have been sold, or to his agent duly authorized to receive the same.

Section 7. And be it further enacted, that said Corporation may demand and recover the following toll of every person travelling on said bridge, according to the rates following, viz: for each horse and rider four cents; for every chaise, chair, sulky or other two wheeled carriage of pleasure drawn by one horse, eight cents; for each additional horse, three cents; for every Chariot, phaeton or other four wheeled carriage of pleasure, drawn by two horses, fifteen cents; for each additional horse, three cents; for every sleigh, drawn by one horse, four cents; and for each additional

horse, two cents; for each carriage of burthen, drawn by one beast four cents; and two cents for each additional beast; for each horse or neat creature, other than those rode on or in carriages, one cent; for each sheep or swine, one fourth of a cent. And at all times when the toll-gatherer does not attend his duty the gate shall be left open. Provided it shall be in the power of the Legislature from time to time to alter the foregoing rates of toll in such manner as may be deemed proper.

Section 8. And be it further enacted, that said Corporation shall be answerable for all damages sustained through insufficiency or want of repair in said bridge, and may be indicted and fined, as towns are by law for suffering bridges to be out of repair. Provided that if said Bridge shall not be completed within four years from and after passing this act, every section and clause of the same shall be null and void.

[CHAPTER 20.]

State of }
New Hampshire. }

AN ACT PROVIDING FOR THE COMPENSATION OF THE OFFICERS OF THE CIVIL LIST.

[Approved June 18, 1828. Acts, vol. 25, p. 95. Session Laws, 1828, Chap. 20.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Governor have and receive as a salary from June, 1828, to June, 1829, the sum of twelve hundred dollars; that the secretary have and receive as a salary for the same term, eight hundred dollars in full compensation for all services by him rendered in the capacity of secretary, and that all fees allowed him by law, be paid into the treasury, excepting those received for copies and certificates made by him for individuals, for private purposes; that the treasurer have and receive as a salary for the same term, six hundred dollars; that the adjutant and inspector general have and receive as a salary for the same term, four hundred dollars; that the commissary general have and receive as a salary for the same term, forty dollars; that each member of the honorable council receive two dollars per day during the session of the General Court, and two dollars and fifty cents per day, when the members shall be called together during the recess thereof, and ten cents per mile for travel to and from the place of meeting; that the president of the Senate and the speaker of the House of Representatives each receive two dollars and fifty cents per day during the sitting of the General Court, and ten cents per mile for travel to and from

the place of sitting; that the members of the Senate and of the House of Representatives receive two dollars each per day during the sitting of the General Court, and ten cents per mile for travel to and from the place of sitting; that the clerks and assistant clerks of the Senate and of the House of Representatives receive two dollars and fifty cents each per day during the session, and be allowed one day extra for making up the rolls and filing the papers, and ten cents per mile for travel to and from the place of sitting.

[CHAPTER 21.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF EPHRAIM H. MAHURIN.

[Approved June 18, 1828. Acts, vol. 25, p. 97.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Ephraim H. Mahurin, be allowed the sum of thirty nine dollars sixty cents, in full of his account for the years 1826, 1827, and 1828; and that this sum be paid from the Treasury, out of any money, not otherwise appropriated.

[CHAPTER 22.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF RICHARD BARTLETT.

[Approved June 18, 1828. Acts, vol. 25, p. 99.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Richard Bartlett be allowed the sum of five hundred forty three dollars seventy four cents, in full of his account; and that the said sum be paid from the Treasury out of any money not otherwise appropriated.

[CHAPTER 23.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE TREASURER TO BORROW A SUM OF MONEY
FOR THE USE OF THE STATE.

[Approved June 18, 1828. Acts, vol. 25, p. 101. Session Laws, 1828, Chap. 23.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Treasurer be, and he is hereby authorized to borrow on the credit of the State, and for the use of the same, a sum not exceeding eighteen thousand dollars, at a rate of interest not exceeding the usual rate of bank interest; and so much of the state tax payable into the Treasury on or before the first day of December next, as will be sufficient to pay said loan and the interest, is hereby appropriated for that purpose; and the said Treasurer is hereby required to apply said sum to that purpose, as soon as a sufficient amount shall be paid into the Treasury.

[CHAPTER 24.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF SAMUEL D. BELL SAMUEL DINSMOOR JUNIOR,
AND BENJAMIN B. FRENCH.

[Approved June 18, 1828. Acts, vol. 25, p. 103.]

Be it enacted by the Senate and House of Representatives, in General Court convened, That Samuel D. Bell be allowed the sum of two hundred and forty five dollars two cents, That Samuel Dinsmoor Jr. be allowed the sum of seventy four dollars eighty five cents, That Benjamin B. French be allowed the sum of eighty dollars thirty five cents in full of their respective accounts, and that the above sums be paid from the Treasury out of any money not otherwise appropriated.

[CHAPTER 25.]

State of }
New Hampshire. }

AN ACT PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES
ON LANDS AND BUILDINGS OF NON-RESIDENTS.

[Approved June 19, 1828. Acts, vol. 25, p. 115. Session Laws, 1828, Chap. 25. This act repeals acts of December 10, 1796, Laws of New Hampshire, vol. 6, p. 366, (also vol. 7, p. 909); December 15, 1796, id., vol. 6, p. 375; December 9, 1800, id., p. 662; December 30, 1803, id., vol. 7, p. 248; December 21, 1808, id., p. 735; December 23, 1808, id., p. 784; June 25, 1816, id., vol. 8, p. 496, and June 29, 1818, id., p. 739. Repealed by act of July 4, 1829, Session Laws, 1829, Chap. 65.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the non-resident owners of all lands and buildings, shall hereafter be taxed in the respective towns or places where such lands or buildings are situated, their equal proportion with residents, in all assessments made in conformity with the laws of this state, except for the support of the gospel, and the building and repairs of houses of publick worship. Provided, that the tax on the unimproved lands of non-residents for the support of public highways, shall not in any one year exceed the sum of fifty cents on every hundred dollars of the appraised value of such lands; which appraisement shall be made by the selectmen or assessors, in the same way and manner as the law directs for the appraisement of unimproved lands of residents.

Section 2. And be it further enacted, That the selectmen or assessors, of the several towns and places in this state, shall make out in writing under their hands, and deliver to their collectors, on or before the first day of May in each year, a list of all assessments made in compliance with the requisition of this act, and shall insert in such list, the name of the owner or owners, if known, otherwise the name of the original proprietor; the number of lot and range, if lotted: and the proportion of each assessment, to each lot or tract of land taxed, shall be set against said lot or tract in the list aforesaid. And if any building of a non-resident shall be taxed, the number of the lot, or some other description of the land whereon it stands, shall be mentioned in said list. And if the name of the owner and of the original proprietor of any lands be unknown, the quantity of the land, and the number of the lot and range, if lotted; otherwise such description of the land taxed as it is generally known by, shall be inserted in said list.

Section 3. And be it further enacted, That each non-resident taxed as aforesaid, in any town or place in this state, shall, at any time previous to the first day of September in each year, have liberty to pay any highway tax assessed upon his lands or buildings in

labor, under the direction of the selectmen, at the same rate per hour or day as inhabitants may at the time be allowed. And it shall be the duty of the selectmen of the several towns and places in this state, to see that all monies arising by virtue of this act for the support of highways, be duly and seasonably appropriated to that purpose.

Section 4. And be it further enacted, That every collector of non-resident taxes shall, on or before the third day of the June session of the legislature next after the assessment of said taxes, deliver to the Deputy Secretary for the time being a copy of his list of all such taxes made out as aforesaid, as shall not have been previously paid. And the Deputy Secretary shall, for the inspection of all persons concerned, keep said list at the office of the Secretary of State until the twenty-fifth day of June annually. And it shall be the duty of the said Deputy Secretary, while said lists shall remain in said office, to receive of any non-resident his proportion of said taxes, and to give a receipt therefor in discharge of the same to said non-resident, who shall pay to said Deputy Secretary at the rate of twelve per centum on the sum paid by said non resident, two thirds of which he shall receive in full satisfaction for all services by him rendered, for receiving, certifying and delivering said lists, and receiving and paying over the monies thereon by him received. And the said Deputy Secretary shall at any time, after the twenty-fifth of June annually, on application made to him by any collector, or by his order, return to said collector the said copy of his list of taxes, delivered to the Deputy Secretary as aforesaid, with a certificate thereon of the time when the same was received into said office and returned to said collector; and also the monies received thereon for taxes, together with one third of the twelve per centum received as aforesaid, taking said collector's receipt for the monies so received and the list so returned.

Provided nevertheless, That it shall be the duty of the several collectors, at all times after said lists shall have been delivered to them respectively by the selectmen as aforesaid, and previous to the first day of November next after the assessment of said taxes, to receive the taxes of any non-resident in such collector's list named, and to give a discharge without any charge for fees.

Section 5. And be it further enacted, That the taxes on any lands or buildings of non-residents, which shall remain due and unpaid after the first day of November, in each year, shall be collected in the following manner: The collector of taxes in any town or place in this state, who shall have received his lists as in this act is provided, shall, on or before the first day of December, in each year, post up, in two or more of the most publick places in the town or places where such lands lie, notifications stating that so much of such delinquent owner's estate will be sold at public vendue, as will

be sufficient to pay said taxes with incidental charges, unless prevented by previous payment. And said notifications shall contain the same description of the property taxed, as this act requires in the lists aforesaid; and also the time and place of sale: and such vendue shall be holden within the town or place where such lands lie, between the hours of ten in the forenoon, and four in the afternoon, and on some day between the fifteenth day of January, and the first day of February next after such notification. And if any of said owners shall neglect to pay their proportion of said taxes, with incidental charges, until the time of sale, the collector shall then sell at public auction, to the highest bidder, so much of such delinquents estate, as will pay said taxes with incidental charges. And if necessary, the sale may be adjourned from day to day, not exceeding three days in the whole, by public proclamation, made within the hours aforesaid, at the place of sale. And if more than one person shall be interested in any lot or tract of land, each one may pay his proportion of taxes, according to his interest in said land, and the share of the delinquent only shall be sold.

Section 6. And be it further enacted, That each non-resident, his heirs or assigns, shall have the liberty of redeeming his lands sold as aforesaid, at any time within one year from the sale thereof, by paying or tendering to the collector, his executor or administrator, or in their absence, by tendering at the last and usual place of abode of said collector, his executor or administrator, for the use of the purchaser, a sum of money equal to that for which said land was sold, with interest for the same, at the rate of twelve per cent. per annum, until the time of payment or tender as aforesaid. And it shall be the duty of said collector, to deliver to the clerk of the town where said land lies, an attested copy of the sale of lands by him made by virtue of this act, with the charges of sale, within ten days thereafter, to be kept on file; and in case of absence of said collector, his executor or administrator, on tender being made at his usual place of abode, as is herein before provided, said non-resident shall give notice thereof in writing, before the time of redemption expires, to said town clerk, who shall, without delay, record the same, and the said non-resident shall leave the money so tendered with said town clerk, for the use of said collector, at the time of giving such information. And it shall be the duty of said collector, his executor or administrator, on payment or tender as aforesaid, and of the town clerk, on the money being left with him, to give said non-resident a full discharge therefor, by receipt, under his hands; and if the money be received by the town clerk, he shall be paid therefor by said non-resident, ten per cent. on the amount of the money so received.

Section 7. And be it further enacted—That if more than one person is interested in any lot or tract of land, which may be sold by virtue of this act, each person so interested may redeem his part

thereof, by paying or tendering his proportion of the taxes and cost for which said land may be sold, in the same manner that all the owners of said land may redeem the same, by paying the whole sum necessary to be paid for the redemption thereof; and the said proportion shall be made according to the number of acres in the lot or tract sold.

Section 8. And be it further enacted, That when the estate of any non-residents shall be sold by virtue of this act, and the money requisite for the redemption thereof shall not have been paid or tendered within one year from the sale of the same, the collector who shall have sold said estate, if living, otherwise, his executor or administrator, shall then execute a good and sufficient deed of such estate to the purchaser of the same, if he shall be then living, otherwise, to his heirs; which deed shall be in the form following to wit; Know all men by these presents, That I.....in the town of.....county of.....and the state of New-Hampshire, for the year.....do, by virtue of the authority in me vested by the laws of this State, and in consideration of.....to me, in hand, before the delivery hereof,.....paid by,.....in the county of.....in the State of.....hereby sell and convey to him the said.....his heirs and assigns— (here describe the property sold) To have and to hold the said granted premises, with the appurtenances, to him the said.....his heirs and assigns forever. And I, the said.....do hereby covenant with the said.....his heirs and assigns, that in making sale of the same in my said capacity, I have in all things conformed to the directions and requisitions of the law in that behalf provided, and that, as collector as aforesaid. I have good right, so far as that right may depend upon the regularity of my own acts and proceedings, to sell and convey the same in manner aforesaid.

In witness whereof I have hereunto set my hand and seal
this.....day of.....A. D.

Signed, sealed and delivered, in presence of us.
And where either of the parties to such sale is dead, the form of the
deed to be made shall be altered according to the circumstances of
the case.

Section 9. And be it further enacted, That whenever any lands or buildings of non-residents shall be sold agreeably to the provisions of this act, it shall be the duty of the collector, within ten days after such sale, to lodge with the town clerk one of the notifications of the vendue which were posted up in said town, with a certificate accompanying the same, under oath, that said notification and a similar notification was posted up according to law; which notification and certificate shall be recorded by said town clerk, and a certified copy of such record shall be competent evidence of those facts, in any court of law. And each town clerk shall receive the same fees for recording, copying and certifying, as aforesaid, that other recording officers are by law entitled to.

Section 10. And be it further enacted, That it shall be the duty of every collector of non-resident taxes, to lodge with the town clerk of said town, within ten days after any land sold by virtue of this act shall have been redeemed, a list of all lands which shall have been so redeemed as aforesaid, to be recorded by said town clerk.

Section 11. And be it further enacted, That the fees of the several collectors in this state in the sale of non-resident lands, shall be as follows: for posting up notifications, agreeably to the provisions of the fifth section of this act, for all the lots or tracts in any one town, on which taxes may be due, one dollar; for making the sale on each lot or tract by them sold, twelve cents, provided the same shall in no case exceed three dollars for all the lots or tracts sold; for each deed made and executed to purchasers, twenty-five cents. And if any collector shall demand or take any greater, or other fee or fees, for any of the services mentioned in this act, he shall forfeit and pay the sum of five dollars to the person suing therefor, to be recovered by action of debt in any court competent to try the same, and the party injured shall be entitled to an action, for the recovery of any money by such collector so unlawfully taken.

Section 12. And be it further enacted, That the sheriffs of the several counties shall proceed in the collection of the State and county taxes of non-residents in the same way and manner as by law they might before the passage of this act, any thing herein to the contrary notwithstanding.

Section 13. And be it further enacted, That an act entitled "an act for taxing the lands and buildings of non-residents," passed Dec. 10, 1796; also an act passed Dec. 21, 1808, entitled "an act in addition to an act, entitled an act for taxing the lands and buildings of non-residents, made and passed Dec. 10, 1796;" also an act passed Dec 23, 1808, entitled "an act in addition to, and amendment of, an act, entitled "an act for taxing the lands and buildings of non-residents," passed Dec. 10, 1796; also an act passed Dec. 15, 1796, entitled "an act to establish the fees of collectors in the sale of non-resident lands for taxes;" also an act passed Dec 9, 1800, entitled "an act allowing a larger per centum of interest to purchasers of land sold at public vendue by collectors of taxes than is by law now established;" also an act passed Dec. 30, 1803, entitled "an act in addition to an act for taxing the lands and buildings of non-residents;" also an act passed June 25, 1816, entitled "an act to establish the printing of all notifications and advertisements for the sale of non-resident lands in the New Hampshire Patriot, printed at Concord in the county of Rockingham;" also an act passed June 29, 1818, entitled an act in amendment of an act entitled "an act for taxing the lands and buildings of non-residents;" and all other acts or parts of acts inconsistent with the provisions of this act, shall be and the same hereby are repealed, provided nevertheless

that nothing in this act contained shall be so construed as to affect the collection of any taxes heretofore assessed, or any suit commenced, or to be commenced, under the provisions of any act hereby repealed.

[CHAPTER 26.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOUTH MEETING-HOUSE IN PEMBROKE.

[Approved June 19, 1828. Acts, vol. 25, p. 131.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Moses Chamberlain, Boswell Stevens, James Haseltine, Peter Noyes, William Robinson, Joseph Noyes, Joshua B. Gilbert, Timothy Gile, Benjamin Cushing, Jeremiah Morgan, Joseph Gale, John Leonard, Leonard Pratt, James C. Emery, Christopher Osgood, Samuel M. C. Emery, Jacob Emery, Jr, Daniel Knox, Josiah Kittredge, William Kimball, William Haseltine, Jeremiah H. Wilkins, Edward Fuller, Thomas Knox, Trueworthy Dudley, David Kimball, Daniel Mann, Daniel Moore, Daniel M. Moore, Jacob Elliot and John Thompson, and their associates, proprietors of said South Meeting-House in Pembroke with such others as are or hereafter may become proprietors in said House and admitted members of said corporation, be and they hereby are incorporated into a body politic and corporate by the name of the Proprietors of the South Meeting-House in Pembroke, and by that name may sue and be sued, plead and be impleaded, prosecute and defend to final judgement and execution in any Court of record having competent jurisdiction; may have and use a common seal, which they may alter and renew at pleasure; may make, ordain and establish, and put in execution such by-laws, ordinances, and regulations, as they may deem necessary for the well-governing said corporation;—Provided, such by-laws, and regulations shall in no wise be repugnant to the constitution and laws of this State.

Section 2. And be it further enacted, That the said Moses Chamberlain, Benjamin Cushing, and Jeremiah H. Wilkins, or either two of them, shall call a meeting of the Proprietors of the South Meeting-House in Pembroke, by posting up a notification of the time and place of holding such meeting at said Meeting-house, at least three weeks before the holding thereof; for the purpose of establishing by-laws, and choosing the necessary officers to superintend the affairs of said corporation.

Section 3. And be it further enacted, That each member of said corporation shall be entitled to as many votes as he may at the time of casting his vote, own pews in said South Meeting-House, and no more.

Section 4. And be it further enacted, That said corporation may at any meeting notified for that purpose, by a majority of the voters present, raise any sum or sums of money that they may deem necessary for the purpose of repairing or keeping in repair said Meeting-House, so long as they may think proper; and all sums of money raised for the purpose aforesaid, shall be assessed on the pews according to their value, which value shall be determined by a committee of three persons to be chosen for that purpose by said corporation; and in case any tax so assessed on the pew or pews of any member of said corporation shall remain unpaid for the term of three months next after the assessment thereof, any pew or pews upon which the tax or taxes so remain unpaid, may be advertised by the treasurer of said corporation and sold at public auction to the highest bidder, after posting up notice thereof at the door of said Meeting-House fifteen days previous to such sale—And after paying such tax or taxes and costs of sale, the residue of the money accruing from the same, shall be paid over to the delinquent owner of any pew or pews, sold as aforesaid on demand.

[CHAPTER 27.]

State of }
New Hampshire. }

AN ACT PROVIDING BLANKS AND STATIONARY FOR THE USE OF THE COURTS OF PROBATE

[Approved June 19, 1828. Acts, vol. 25, p. 135. Session Laws, 1828, Chap. 27. Repealed by act of January 2, 1829, *post.*]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Register of Probate in the several counties in this State, shall provide at the expense of said counties, the blanks and stationary necessary in doing the Probate business, and the same shall be paid to them out of the respective county Treasuries.

[CHAPTER 28.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE LOUDON MANUFACTURING COMPANY.

[Approved June 19, 1828. Acts, vol. 25, p. 137.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That, Lewis Flanders, Daniel Hoit, Cyrus Tucker, their associates and successors, be, and they hereby are incorporated and made a body politic forever, by the name of the Loudon Manufacturing Company, and in that name may sue and be sued, prosecute and defend to final judgement and execution, and shall be, and hereby are vested with all the powers and privileges, which by law are incident to corporations of a similar nature; and also, may have and use a common seal, which they may break, alter, or renew at pleasure.

Section 2. And be it further enacted, that the said corporation be, and the same is hereby authorized and empowered to carry on the manufacture of cotton, woolen and other goods, and such other branches of trade and manufactures as may necessarily connected therewith, at Loudon in the county of Merrimac, and may erect such mills, dams, works, machines and buildings, as may be necessary for carrying on the business aforesaid.

Section 3. And be it further enacted, that the said corporation be, and the same is hereby authorised to acquire by purchase or otherwise, and to hold and enjoy such real or personal estate, as may be necessary or useful in conducting the business of said corporation, and the same to sell, convey, and dispose of at pleasure;—Provided, the estate held by said corporation shall not at any time exceed one hundred thousand dollars. And the said capital or joint stock, may be divided into as many shares as the proprietors at any legal meeting shall agree and decide; and in like manner, the proprietors may agree on the manner of transferring them; and may elect an agent or agents and such other officers and servants, as may be deemed necessary, and prescribe their respective duties; may order assessments and fix the time of their payment; may limit the amount which said assessments shall not exceed, without the consent of all the proprietors; may pass by-laws, for their regulation and government; all elections and all other questions, if required, shall be determined by a majority of votes present or represented, accounting and allowing one vote to each share in all cases, and all representations shall be in writing, signed by the person represented, and filed with the clerk.

Section 4. And be it further enacted, that the shares in said

corporation shall be liable and holden for all assessments legally made thereon, and upon the non-payment of such assessments or any part thereof, within the time fixed for their payment, the treasurer may proceed in the manner prescribed in the by-laws of said corporation, to advertise and sell such delinquent shares or so many of them as may be necessary to pay the sums due thereon with incidental charges.

Section 5. And be it further enacted, that Lewis Flanders, Daniel Hoit, and Cyrus Tucker, or any two of them, may call the first meeting of said corporation, to be holden at any suitable time and place, by publishing a notice thereof in some Newspaper printed in Concord, at least fifteen days before said meeting.

[CHAPTER 29.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF AMOS A. BREWSTER, GAWEN GILMORE,
WILLIAM BADGER AND JOHN S. BROWN.

[Approved June 19, 1828. Acts, vol. 25, p. 147.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Amos A. Brewster be allowed the sum of five dollars; that Gawen Gilmore be allowed the sum of four dollars and ten cents; that William Badger be allowed the sum of four dollars thirty two cents; that John S. Brown be allowed the sum of five dollars, in full of their respective accounts, and that the above sums be paid from the treasury out of any money not otherwise appropriated.

[CHAPTER 30.]

State of }
New Hampshire. }

AN ACT TO ENABLE THE GRAFTON MINING COMPANY TO CALL AND
HOLD LEGAL MEETINGS.

[Approved June 19, 1828. Acts, vol. 25, p. 149. The act of incorporation is dated June 12, 1824, *ante*, p. 264.]

Section 1st. Be it enacted by the Senate and House of Representatives in General Court convened, That Luke Brooks, Benjamin Rich and Benjamin Leverett, or any two of them, may call a meeting of the members of said Corporation to be held at any suitable

time and place, by advertising when and where the same will be holden, in at least one newspaper printed in Boston in Massachusetts, and one newspaper printed in Concord in this State, thirty days at least prior thereto; which notice shall contain the substance of what is to be done at said meeting, and the said Corporation at any meeting, called and notified as aforesaid, may elect all necessary officers, and pass any votes within their corporate powers in the same way as if the meeting had been holden in the manner prescribed by the constitution of said Corporation, any thing therein to the contrary notwithstanding.

[CHAPTER 31.]

State of }
New Hampshire. }

AN ACT DIRECTING THE MODE OF CHOOSING AND APPOINTING ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

[Approved June 19, 1828. Acts, vol. 25, p. 151. Session Laws, 1828, Chap. 31. Laws, 1830 ed., p. 422. This act repeals act of June 14, 1824, *ante*, p. 269. See also act of January 7, 1837, Session Laws, 1836, November session, Chap. 300. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the inhabitants of the several towns and places in this State qualified to vote for Senators in the State Legislature, shall assemble in their respective towns and places on the first Monday of November next, and on the first Monday in the month of November in every fourth year thereafter, to vote for a number of persons equal to the whole number of the Senators and Representatives, at the respective periods aforesaid, from this State in the Congress of the United States, to be electors of President and Vice President of the United States; and his Excellency the Governor for the time being, shall seasonably issue precepts to the several towns and places, within this State, directing them to notify and hold meetings as aforesaid; and the selectmen of such towns and places shall give fifteen days notice of the time, place and purpose of such meetings; and the moderators of their respective meetings, with the selectmen of their respective towns and places, whose duty it shall be to attend, shall receive from all the inhabitants of such towns and places, respectively, present and qualified as aforesaid, votes for Electors of President and Vice President, each voter giving in on one ballot the names of all the persons he votes for, and shall in open town meeting, in their respective towns, sort and count the same; and the clerk of

each town and place, shall make a fair record, in the presence of the selectmen, of the name of every person voted for, and the number of votes for each person, and shall make out a full and fair copy of such record, and attest the same, which copy so made out and attested he shall seal up, direct to the Secretary of the State with a superscription expressing the purport thereof and transmit to the sheriff of the county in which he resides, within seven days next after said meeting, or to the said Secretary's office, on or before the last Wednesday but one in said months of November, respectively. And the several sheriffs in this State, shall, on or before the said Wednesday, transmit to the Secretary's office all certificates of votes, that shall be transmitted to them respectively as aforesaid. And the respective clerks and sheriffs shall be liable to the same penalties for the neglect of the duties enjoined on them respectively by this act, as they are liable to by law for omission in transmitting votes for Governor and Senators.

Section 2. And be it further enacted, That the Secretary of the State, shall, on the day following the last Wednesday but one in the months of November aforesaid, respectively, lay the votes, certified and transmitted to him as aforesaid, before the Senate and House of Representatives in convention, to be by them examined and counted. And if any one or more persons shall appear to have a majority of votes, he or they shall be declared electors provided that not more than the requisite number shall have such majority, and in case more than the requisite number shall have such majority, then the requisite number of persons, having the highest number of votes, shall be declared electors. But in case the state of the votes will not admit of the designation of the requisite number of persons, having a majority of votes, by the highest number of votes; and in case no person have a majority of votes; and also in case the requisite number of persons have not a majority of votes, then, and in all such cases, the Senate and House of Representatives, in convention, shall forthwith elect by ballot so many persons, one at a time, as shall be necessary to complete the requisite number.

Section 3. And be it further enacted, That his Excellency the Governor for the time being, shall cause the several persons who may be chosen Electors, to be seasonably notified of their appointment, and request their attendance at the State House in Concord, on the Tuesday next preceding the first Wednesday of December next, and on the Tuesday next preceding the first Wednesday of December in every fourth year thereafter, at ten of the clock in the forenoon.

Section 4. And be it further enacted, That the Electors chosen as aforesaid, shall meet at the State House in Concord, on said Tuesday, and by twelve o'clock, at midday of said day, give notice to the Legislature, of the number of electors present, who accept the said appointment. And if from such notice, it shall appear that

the requisite number of electors is not then present, or do not accept said appointment, the Senate and House of Representatives shall immediately meet in convention, and by joint ballot elect the number wanting to complete the board. And if any person or persons chosen on said Tuesday, shall not then attend and accept said trust, the convention shall immediately choose one or more persons to supply such vacancy.

Section 5. And be it further enacted, That the electors chosen and appointed as aforesaid, shall give their votes for President and Vice President of the United States, at Concord, on the first Wednesday in the respective months of December aforesaid, and shall proceed to perform all the duties incumbent on them as electors, in manner prescribed by law.

Section 6. And be it further enacted, That an act entitled "an act directing the mode of choosing and appointing electors of President and Vice President of the United States," passed June 14, 1824, be and the same hereby is repealed.

[CHAPTER 32.]

State of)
New Hampshire. {

AN ACT TO INCORPORATE AURORA LODGE NUMBER FORTY THREE IN HENNIKER.

[Approved June 19, 1828. Acts, vol. 25, p. 163.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joshua Darling, Page Eaton and their associates and all persons who may hereafter become members of said Lodge, be, and they are hereby incorporated and made, a body corporate and politic forever, by the name of Aurora Lodge, number forty three, in Henniker. And the said body corporate is hereby empowered to hold and possess, real and personal estate not exceeding one thousand dollars, and is vested with all the powers, rights and privileges incident to such corporations.

Section 2. And be it further enacted, That said Lodge may at any of their regular communications by giving one months notice at a regular communication, elect such officers, and establish such bylaws, rules and regulations, as may be deemed necessary for the government of said Lodge, and for carrying into effect the objects of this act.

[CHAPTER 33.]

State of }
New Hampshire. }

AN ACT TO CHANGE THE NAME OF THE PROPRIETORS OF THE MEREDITH COTTON AND WOOLEN FACTORY COMPANY.

[Approved June 19, 1828. Acts, vol. 25, p. 165. The act of incorporation is dated June 21, 1811, Laws of New Hampshire, vol. 8, p. 50. See also act of June 23, 1832, Acts, vol. 29, p. 121.]

Be it enacted by the Senate and House of Representatives, in General Court, convened, That the name of "the Proprietors of the Meredith Cotton and Woolen Factory Company" incorporated in the year of our Lord one thousand eight hundred and eleven, for the manufacture of Cotton and Wool, in the town of Meredith, be changed; and that said Company be hereafter called the "Avery Factory Company.

[CHAPTER 34.]

State of }
New Hampshire. }

AN ACT FOR THE PRESERVATION OF TOLL BRIDGES.

[Approved June 19, 1828. Acts, vol. 25, p. 167. Session Laws, 1828, Chap. 34. Laws, 1830 ed., p. 184. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That, the proprietors of any incorporated toll Bridge within this State, be, and they are hereby authorised and empowered to make and adopt such by-laws as they may deem necessary to prevent any person or persons from driving any horses drawing any stage-coach or other four-wheeled carriage of burthen over such Bridge at a rate faster than a walk, under a penalty not exceeding two dollars for the violation thereof; to be recovered by action of debt before any Court having jurisdiction thereof, for the use of the corporation:—Provided however, that no person shall be liable to such penalty, unless the proprietors of such Bridge shall cause to be posted up, and kept at each end of such Bridge at some conspicuous place, a board painted with a white ground, containing in black letters, the substance of said by-laws—

Section 2. Be it further enacted, That this law shall go into operation on the first day of September next.

[CHAPTER 35.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED AN ACT, FOR THE DEVISING OF REAL ESTATE, THE ATTESTATION, FILING AND RECORDING OF WILLS IN CERTAIN CASES, AND THE DISTRIBUTION OF TESTATE ESTATES, PASSED JULY 2D, 1822.

[Approved June 19, 1828. Acts, vol. 25, p. 169. Session Laws, 1828, Chap. 35. Laws, 1830 ed., p. 358. See act referred to, *ante*, p. 98. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That when any Will shall be proved in common form without notice, any person interested, who at the time of such Probate, was a minor, non compos, feme covert, or out of the United States, or the legal representative of such person shall be entitled to have the Probate thereof reexamined in the manner prescribed in and by the said Act to which this is an addition, by a petition for that purpose preferred at any time not exceeding two years next after the removal of such disability, any thing in the said Act to the contrary notwithstanding.

Provided, that no Will shall be proved in solemn form under the provisions of this Act, or of that, to which this is an addition, where the Executor shall be the testamentary Guardian of any of the Legatees, Devisees or Heirs at Law of the Testator, who may at the time of such probate be minors, until the Judge of Probate shall have appointed Guardians, in due form of law, of all such minors; and such Guardians shall have been duly notified of the time and place of such Probate.

[CHAPTER 36.]

State of }
New Hampshire. }

AN ACT IN FAVOUR OF DAVID GEORGE, JEWETT BISHOP, AARON CARTER AND EDWARD PHILBRICK—

[Approved June 19, 1828. Acts, vol. 25, p. 179.]

Be it enacted by the Senate and House of Representatives in General Court convened, That David George be allowed the sum of Twenty dollars—That Jewett Bishop be allowed the sum of Thirty two dollars—That Aaron Carter be allowed the sum of Thirty two dollars, That Edward Philbreck be allowed the sum of

Thirty two dollars in full of their respective accounts, and that the said sums be paid from the treasury out of any money not otherwise appropriated.

[CHAPTER 37.]

State of }
New Hampshire. }

AN ACT IN FAVOUR OF TIMOTHY DARLING.

[Approved June 19, 1828. Acts, vol. 25, p. 181.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Timothy Darling be allowed the sum of twenty five dollars, in full of his account, as engrossing clerk, and that this sum be paid from the Treasury out of any money not otherwise appropriated.

[CHAPTER 38.]

State of }
New Hampshire. }

AN ACT IN FAVOUR OF JACOB B. MOORE, HENRY E. MOORE AND ISAAC HILL.

[Approved June 19, 1828. Acts, vol. 25, p. 183.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the sum of fifty one dollars and twenty six cents be allowed Jacob B. Moore in full of his account—The sum of one hundred and seven dollars and sixty two cents be allowed Henry E. Moore in full of his account—And that the sum of three dollars and thirty three cents be allowed Isaac Hill in full of his account—and that said sums be paid from the Treasury, out of any money not otherwise appropriated.

[CHAPTER 39.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF JOSEPH COFRAN.

[Approved June 19, 1828. Acts, vol. 25, p. 185.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Joseph Cofran be allowed the sum of two hundred forty nine dollars twenty six cents in full of his account, and that this sum be paid from the Treasury out of any money not otherwise appropriated.

[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE LEE ACADEMY.

[Approved June 19, 1828. Acts, vol. 25, p. 187.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Edward B. Nealy, Josiah Bartlett, Simon Otis Joseph Durrell, John Glass, Sias Noble, Charles Rundlet and Jonathan Bartlett and their associates and successors be, and hereby are, incorporated and made a body politic and corporate forever by the name of the Trustees of the Lee Academy, with all the powers, privileges and immunities incident to similar corporations.

Section 2. And be it further enacted, That the Trustees aforesaid shall have power to elect and admit other persons to be members of said Corporation, provided the whole number of said Trustees shall not at any time be more than nine, five of whom shall be necessary for a quorum. And said Trustees shall also have power to expel from their board any member thereof, who by reason of age, infirmity or otherwise shall become unfit for such office; provided that the consent of a majority of the whole number of said Trustees shall be necessary to such election or expulsion.

Section 3. And be it further enacted, That said Corporation shall have power to acquire by purchase or otherwise, and hold free from taxation, real and personal estate, the annual income whereof shall not exceed the sum of two thousand dollars; provided that nothing, herein contained, shall be so construed as to exempt any such property from taxation, in case said Trustees shall lease the same, reserving nominal rent only,

Section 4. And be it further enacted That Edward B. Nealy, Josiah Bartlett and Simon Otis or any two of them, are hereby empowered to call the first meeting of said Corporation by giving to each of said Trustees, or leaving at their respective places of abode a notice in writing, expressing the time, place and object of such meeting at least ten days before the day of holding the same.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1828, June 18.

Resolved by the Senate and House of Representatives in General Court convened, that the treasurer of this State be authorized to convey to Abel Crawford of Hart's Location in the county of Coos in this State all of the right and title which this State have unto a tract of land situated in said county and lying between Nash and Sawyer's location on the north and Hart's location on the south and bounded as follows: beginning at the southeast corner of said Nash and Sawyer's location, thence southerly two hundred rods to the southwest corner of said Nash and Sawyer's location, thence southerly to the north west corner of said Hart's Location; thence easterly to the southeast corner of said Hart's location, thence northerly to the first bound, containing one hundred and fifty acres. Provided the said Abel Crawford shall prior to his receiving said deed, pay into the treasury of this State the sum of seventy five dollars in consideration for said land.

[Acts, vol. 25, p. 219.]

1828, June 18.

Resolved, by the Senate and House of Representatives in General Court convened, That Jacob B. Moore, Esq'r, of Concord, be authorised to contract with some suitable person, to fit up the large room under the Senate Chamber for the reception of the State Library, and to remove the same to said room; and when the same is completed to the satisfaction of the said Jacob B. Moore, who is hereby appointed agent to superintend said work, the Governor is authorised to draw such sum from the Treasury as may be necessary to defray said expences.

[Acts, vol. 25, p. 225.]

1828, June 18.

Resolved by the Senate and House of Representatives in General Court convened, That the Treasurer of this State be, and hereby is, authorised to convey to William Triggs, Jr, of Wolfeborough in the County of Strafford, all of the right and title which the State of New-Hampshire have unto a tract of land situated in said Wolfeborough containing forty seven acres

and is part of lot numbered five which tract of land was conveyed to the State of New-Hampshire by Joseph Lary of Peabody's grant, so called, in the county of York, and commonwealth of Massachusetts, by his Deed dated the twenty second day of May, 1793, and recorded in Strafford record April 28th, 1794.

Provided, the said William Triggs shall at his own expence cause said tract of land to be appraised by the Selectmen of said town of Wolfborough for the present year, which appraisal certified by said Selectmen as the full amount of the value of said land, and said sum paid into the Treasury of this State shall be the consideration of said Deed.

[Acts, vol. 25, p. 227.]

1828, June 19.

Resolved, by the Senate and House of Representatives in General Court convened,

That the Hon. W^m M. Richardson and John Porter and Sam^l D. Bell Esq^{rs}, be, and they hereby are authorised and requested to examine, revise, amend, arrange and prepare for publication, all the existing public Acts and Resolves of this State and report the same to the Legislature by the first Tuesday of the next session thereof, or as soon thereafter as may be be, in the form best adapted in their judgment, to the publication of a new Edition of said Acts and Resolves.

[Acts, vol. 25, p. 247.]

[*Second session held at Concord November 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, December 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 31, 1828, January 1, 2, 3, 1829.*]

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT PROVIDING COMPENSATION FOR THE ELECTORAL BOARD.

[Approved December 5, 1828. Acts, vol. 26, p. 1. See act of December 6, 1832, *id.*, vol. 29, p. 174.]

Be it enacted by the Senate and House of Representatives in General Court Convened, That the following persons be allowed the sum set against their respective names, in full for their services as Electors of President and Vice President of the United States, viz:

George Sullivan	eighteen dollars
Samuel Quarles	twenty one dollars
Samuel Sparhawk	ten dollars
William Bixby	ten dollars
Nahum Parker	ten dollars
Thomas Woolson	ten dollars
Ezra Bartlett	twenty four dollars
William Lovejoy	thirty six dollars

And that Richard Bartlett, Secretary to said Board be allowed five dollars, and Edward Philbrick Door Keeper be allowed three dollars, and that said sums be paid out of the Treasury.

[CHAPTER 42.]

State of }
New Hampshire. }

AN ACT RELATING TO THE SETTLEMENT OF PAUPERS.

[Approved December 16, 1828. Acts, vol. 26, p. 3. Session Laws, 1828, Chap. 42. Laws, 1830 *ed.*, p. 300. This act repeals acts of January 1, 1796, Laws of New Hampshire, vol. 6, p. 299, and December 25, 1816, *id.*, vol. 8, p. 581. See also act of July 3, 1841, Session Laws, 1841, Chap. 605. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That legal settlements in any town in this State shall be gained so as to oblige such town to sup-

port the persons gaining the same, if they become poor and unable to support themselves, by the ways and means following, and not otherwise.

1. A married woman shall have the settlement of her husband, if any he have within this State, but if otherwise, her own, if any she had at the time of marriage, shall not be lost or suspended by such marriage, unless she shall have gained a legal settlement elsewhere: and in case no such settlement shall be by her gained after marriage and she shall become poor and be supported at the cost and charge of the town of her settlement at the time of such marriage, the husband being poor and needing relief, he shall be supported in the same town but at the charge of the County.

2. Legitimate children shall have the settlement of their father, if he shall have any within this State until they gain a settlement of their own; but if he shall have none, they shall have the settlement of their mother if she shall have any.

3. Illegitimate children shall have the settlement of their mother at the time of their birth, if she shall have any within this State; but neither legitimate nor illegitimate children shall gain a settlement by birth in any place where they may be born if neither of their parents shall then have a settlement there.

4. Any person of the age of twenty one years, having real estate of the value of one hundred and fifty dollars or personal estate of the value of two hundred and fifty dollars in the town where he dwells and has his home and for the term of four years in succession, paying all taxes duly assessed on his poll and estate aforesaid, shall thereby gain a settlement in such town.

5. Any person who shall be admitted an Inhabitant by any town at a legal meeting, in the warrant for which an article shall be inserted for the purpose, or shall be chosen and actually serve one year in the office of Clerk, Treasurer, Selectman or overseer of the poor, being thereto duly elected in any town in this State, shall thereby gain a settlement in such town.

6. All persons dwelling and having their homes in any unincorporated place at the time when the same shall be incorporated into a town shall thereby gain a settlement therein.

7. Upon division of towns, every person having a settlement in them, but being removed therefrom at the time of such division, and not having gained a settlement elsewhere, shall have his settlement in that town wherein his former home or dwelling place shall be upon such division. And when any new town shall be incorporated composed of one or more old towns, all persons settled in either of the towns of which such new town is composed, and who shall actually dwell and have their homes within the limits of such new town at the time of its incorporation, shall thereby gain a settlement in such new town.

Provided nevertheless that no person residing in that part of any town which upon such division shall be incorporated into a new town, having then no settlement therein, shall gain any by force of such incorporation; nor shall such incorporation prevent his gaining a settlement therein within the time and by the means by which he would have gained a settlement there if no such division had been made.

8. Any person of the age of twenty one years who shall hereafter reside in any town in this State, and being taxed for his poll for the term of seven years in succession, shall pay all taxes legally assessed on his poll and estate during the said term shall be an inhabitant in such town. And every legal settlement heretofore gained, or which shall be gained by force of this act shall continue until lost by gaining a new one, and upon gaining a new one all former settlements shall be lost.

Section 2. And be it further enacted, That the act, entitled, an act to ascertain the ways and means by which persons may gain a settlement in any town or district within this state so as to entitle them to support therein if they shall be poor and unable to support themselves passed on the first day of January 1796; and an act in addition to the last mentioned act passed on the twenty fifth day of December 1816 be and the same are hereby repealed.

[CHAPTER 43.]

State of)
New Hampshire.)

AN ACT FOR THE PRESERVATION OF PICKEREL IN MARTIN MEADOW POND IN THE TOWN OF LANCASTER.

[Approved December 16, 1828. Acts, vol. 26, p. 9. Session Laws, 1828, Chap. 43. Laws, 1830 ed., p. 260.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That if any person shall take, kill or carry away from Martin Meadow Pond in Lancaster, any pickerel, such person shall forfeit and pay to the person suing therefor the sum of three dollars for each pickerel so taken, killed or carried away, to be recovered in an action of debt before any Court of competent jurisdiction, one moiety thereof to the use of the person suing therefor, the other moiety to the use of the County of Coos.

Section 2. And be it further enacted, That this act shall continue in force for the term of four years and no longer.

[CHAPTER 44.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF SAMUEL D. BELL.

[Approved December 16, 1828. Acts, vol. 26, p. 10.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Samuel D. Bell be allowed the sum of thirteen dollars ten cents in full of his travel and three days attendance, at the present session of the General Court, as Clerk of the House of Representatives, and that said sum be paid out of the Treasury.

[CHAPTER 45.]

State of }
New Hampshire. }

AN ACT FOR THE PUNISHMENT OF IDLE AND DISORDERLY PERSONS,
AND FOR THE SUPPORT AND MAINTENANCE OF THE POOR.

[Approved December 16, 1828. Acts, vol. 26, p. 11. Session Laws, 1828, Chap. 45. Laws, 1830 ed., p. 302. This act repeals acts of February 15, 1791, Laws of New Hampshire, vol. 5, p. 691; June 18, 1807, id., vol. 7, p. 603; June 27, 1809, id., p. 836; June 27, 1817, id., vol. 8, p. 650, and July 2, 1825, *ante*, p. 468. See also acts of December 24, 1805, Laws of New Hampshire, vol. 7, p. 447; June 21, 1810, id., p. 891; June 14, 1820, id., vol. 8, p. 884; July 1, 1831, Session Laws, 1831, Chap. 31; July 2, 1833, id., 1833, Chap. 128; July 1, 1834, id., 1834, Chap. 179, and January 13, 1837, id., 1837, November session, Chap. 274. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the inhabitants of the several towns in this State be authorized and empowered to purchase and hold any lands and to purchase or erect and hold any houses and other buildings which may be necessary for the accommodation, support and employment of their poor and for a house of correction; and at any legal meeting may raise all such sums of money as they may judge necessary for the purposes aforesaid, and for the managing and keeping in repair such lands and buildings. And the said inhabitants at any legal meeting may appoint all proper officers for the managing of said estate and for the government of all persons who may be sent there either for support or for correction, and may make and establish all necessary rules and regulations, not repugnant to the laws of this State, for ruling, governing and punishing such persons. And such rules and regulations, by

them so made, shall be put in execution. Provided, that in no case the punishment to be inflicted by such rules and regulations shall exceed hard labor, and such reasonable correction as a parent may lawfully inflict upon a refractory child, or solitary confinement not exceeding the space of forty eight hours at one time.

Section 2. And be it further enacted, That the Court of Common Pleas be authorized and empowered, if they see fit, to provide, at the expence of any County in this State, all such lands and buildings as may be necessary for the accommodation, support and employment of the poor, who may be chargeable to such County, and for a house of correction. And the said Court may appoint all proper officers for the management of such lands and buildings and for the government of all persons who may be sent there either for support or for correction. And the said Court may make and establish all necessary rules and regulations not repugnant to the laws of this State for the ruling, governing and punishing of such persons. Provided that in no case the punishment to be inflicted by such rules and regulations shall exceed the punishment to be inflicted under the rules and regulations established by towns as aforesaid.

Section 3. And be it further enacted, That all rogues, vagabonds, lewd, idle and disorderly persons, persons going about begging, persons using any subtle craft, juggling or unlawful games or plays, persons pretending to have knowledge in physiognomy or palmistry, persons pretending that they can tell destinies or fortunes or discover by any spells or magic art where lost or stolen goods may be found, common pipers, fiddlers, runaways, stubborn servants or children, common drunkards, common night walkers, pilferers, persons wanton and lascivious in speech, conduct or behaviour, common railers or brawlers, such as neglect their calling or employment, mispend what they earn and do not provide for the support of themselves and their families upon conviction of any of the offences or disorders aforesaid shall be sent to the house of correction in any town or county where such offence or disorder may be committed. And when there shall be no house of correction in the town or county, the common prison may be used for the purpose.

Section 4. And be it further enacted, That when any person shall be accused of any of the offences or disorders aforesaid complaint shall be made in writing and under oath to some Justice of the Peace in the county where such offence or disorder shall be committed, and such Justice shall cause the party against whom complaint has been so made to be brought before him by warrant or otherwise; and if upon examination of the matter alleged in such complaint, the allegations therein shall be proved to be true, the Justice may sentence such person or persons so convicted to be

committed to the house of correction in the said town or county and to be there put to hard labor for a term not exceeding six months.

Section 5. And be it further enacted, That any person who may be convicted and sentenced as aforesaid, may appeal to the next Court of Common Pleas within the same county and have a trial by jury in due course of law upon recognizing with sufficient surety or sureties before the Justice in such reasonable sum as he may order, with condition that the person so appealing shall enter and prosecute the appeal with effect and abide the order of the said Court thereon, and in the mean time keep the peace and be of good behaviour toward all the citizens of this State. And a commission of the like offence by the principal in such recognizance before a decision is had on the appeal shall be deemed and taken to be a breach of the condition of such recognizance.

Section 6. And be it further enacted, That if any person shall be found committing either of the offences or disorders aforesaid in the public streets or roads in the night time, any such person may be apprehended by any magistrate, constable or watchman, or by any citizen by order of such officer, and kept in custody in any convenient place for the space of twenty four hours, at or before the expiration of which time they shall be carried before a Justice of the Peace and be there prosecuted as aforesaid or discharged as the said Justice shall determine.

Section 7. And be it further enacted that the overseers of the poor in every town in this State be empowered to bind out to labor or to employ in their work house every person residing in their town who lives idly and pursues no lawful calling or business, and who is poor and stands in need of relief from such town, or whose family standing in need of relief is supported by such town. And every contract made by such overseers in any of the cases aforesaid shall be as good and effectual as if such person bound him or herself for the same term of time; and such overseers of the poor shall and may take the wages and appropriate the same to the maintenance of such person or his or her family or children. Provided always that such contract shall be made in writing and shall express the term such person is to serve which shall not exceed one year at a time, but may be renewed or made for a shorter time as there may be occasion.

Section 8. And be it further enacted, That the overseers of the poor in the respective towns in this State be empowered to set to work in their work house or elsewhere, or bind out as apprentices all such children as have their settlement in, and are chargeable to such town, and all children who do not employ themselves in some lawful business, and whose parents are unable, or neglect, to maintain them, and do not bind them out in good families; and the males may be bound out until they arrive at the age of twenty one years,

and the females until they arrive at the age of eighteen years. And such binding out shall be as good and effectual in law to all intents and purposes as any way and method of binding out apprentices whatever. And the said overseers shall make the contract equitably and as much as may be for the interest of the persons bound out, at least that they be instructed to read and to write, and to do such work and business as may be suitable to their circumstances and condition. And the said overseers shall inquire into the usage of all persons so bound out and shall endeavour to redress any wrongs or injuries they may sustain. And the persons to whom such apprentices may be bound shall have the same authority over them that other masters have by law over their apprentices during their apprenticeship.

Section 9. And be it further enacted, That when any person not an inhabitant of any town in this State, nor by the laws thereof the proper charge of any town or person in the same shall stand in need of relief, the overseers of the poor of the town where such poor person shall be, shall relieve and maintain such person, and shall within one year from the time of the relief so afforded or within six months after the termination of any suit which may be commenced within said term of one year against any town or person for the recovery of the claim for the relief so afforded, lay the account thereof before the Justices of the Court of Common Pleas in the county where such town is, and the said Justices shall allow such sum as they may think reasonable to be paid out of the treasury of said County.

Section 10. And be it further enacted, That the relations of any poor person standing in need of relief in the line of father or grandfather, mother or grandmother, children or grandchildren of sufficient ability shall be liable to maintain him or her when standing in need of relief. And in case any one, so standing in need of relief, have no such relations of sufficient ability, then the town in this State where such poor person has his or her legal settlement, shall be liable for his or her support or maintenance.

Section 11. And be it further enacted, That when any person in any town in this State shall be poor and unable to maintain him or herself, such person shall be relieved and maintained by the overseers of the poor of the town where such person shall happen to be. And in case such town is not by law chargeable with the maintenance of such poor person, they may by action recover of the town or person chargeable by law with the maintenance of such poor person, all such sums as they shall have expended in the maintenance of such person. Provided that in all cases notice in writing signed by a major part of the selectmen or overseers of the poor and stating the sums expended by them for the relief of such poor person or persons shall be given in the manner hereinafter mentioned to the town, or to the selectmen or overseers of the poor of the town, or

to the person chargeable by law with the maintenance of such poor person or persons.

And such notice shall be served upon the town, or upon the selectmen or overseers of the poor of the town that may be so chargeable, by the sheriff of the County or his deputy, by leaving an attested copy of such notice with his return thereon with one at least of the selectmen or overseers of the poor, and with the clerk of such town; and upon any person who may be chargeable as aforesaid by giving him or her an attested copy of the notice with his return thereon or by leaving an attested copy thereof at his or her last and usual place of abode.

And the sheriff or his deputy serving the same, shall within twenty days from the service thereof make a return of the original notice, with his doings therein, to the Clerk of the Court of Common Pleas in the County in which the town or person chargeable may be, and shall receive the same fees for his travel and service as by law are allowed for serving writs. And no action shall be sustained against any town or person for any sums expended as aforesaid, unless previous to the commencement thereof such notice shall have been given in the manner aforesaid. Provided also that no action shall be sustained unless commenced within three years from the time of the service of such notice upon the town or person chargeable for the relief of such poor person or persons, nor for any sum that may have been expended more than ninety days previous to the time of giving notice as aforesaid.

Section 12. And be it further enacted, That if any person or persons shall bring and leave, or bring with intent to leave, any pauper, or poor and indigent person or persons having no visible means of support into any county in this State from any other County in which such pauper or poor person or persons may have been supported and maintained or have resided, such pauper or poor person or persons not having a legal settlement in any town nor any relation to whom such pauper or poor person may be chargeable for his or her maintenance, within the County into which such pauper or poor person may be brought, knowing him, her, or them to be such, the person or persons so offending may be indicted for such offence and on conviction thereof shall be fined in a sum not exceeding two hundred dollars nor less than thirty dollars for the use of the County in which such offence may be committed, or imprisoned not exceeding six months at the discretion of the Court. And such pauper or poor person shall be removed by order of court into the county from which he or she may have been brought.

Section 13. And be it further enacted, That from and after the passing of this act, if any person or persons shall bring and leave, or bring with an intent to leave, any pauper, poor and indigent person or persons having no visible means of support from any other

State into any town or place in this State who shall not have any legal settlement within this State, knowing him, her or them to be such, shall forfeit and pay, for every such offence a sum not exceeding three hundred dollars, nor less than fifty dollars at the discretion of the Court before whom the same is tried; to be sued for and recovered by action of debt, before any Court proper to try the same, one moiety of which shall be to the use of any person or persons who may sue for the same and the other moiety to the use of the State.

Section 14 And be it further enacted, That when any town in this State may cease to be organized as a town, all paupers who may have a legal settlement in such town and who have no relations by law bound to support them, shall be maintained by the County in which such town is situated until the same shall be reorganized.

Section 15. And be it further enacted, That the act entitled "an act for the punishment of idle and disorderly persons, for the support and maintenance of the poor and for designating the duties and defining the powers of overseers of the poor" passed on the 15 day of February 1791; the act entitled "an act in addition to, and in amendment of an act, entitled an act for the punishment of idle and disorderly persons for the support and maintenance of the poor and for designating the duties and defining the powers of overseers of the poor," passed June 27. 1809, the act entitled "an act providing for the support of paupers in certain cases" passed June 27 1817, the act entitled "an act respecting paupers," passed June 18th 1807 and the act, entitled, an act relating to notice to towns in case of paupers" passed July 2. 1825, be, and the same are hereby repealed. Provided however that all rights acquired and all acts done under and in pursuance of the acts hereby repealed shall remain unimpaired and in force in the same manner they would and ought had said acts remained in force.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF WILLIAM H. Y. HACKETT AND SAMUEL D. BELL.

[Approved December 16, 1828. Acts, vol. 26, p. 23.]

Be it enacted by the Senate and House of Representatives in General Court convened, That William H. Y. Hackett be allowed the sum of one hundred and five dollars, That Samuel D. Bell be allowed the sum of one hundred and forty dollars fifty six cents in full of their respective accounts, and that said sums be paid out of the Treasury.

[CHAPTER 47.]

State of {
New Hampshire. }

AN ACT IN FAVOR OF RICHARD BARTLETT.

[Approved December 16, 1828. Acts, vol. 26, p. 24.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Richard Bartlett be allowed the sum of one hundred fifty four dollars, sixty two cents in full of his account, and that said sum be paid out of the Treasury.

[CHAPTER 48.]

State of {
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE CLAREMONT AQUEDUCT ASSOCIATION.

[Approved December 16, 1828. Acts, vol. 26, p. 25.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Roswell Elmer, Austin Tyler, Timothy S. Gleason, Ephraim Tyler, James H. Bingham, Samuel Fiske, Godfrey Stevens and Cyrus B. Otis, and their associates and successors, be, and are hereby incorporated and made a body corporate and politic forever, under the name of the Claremont Aqueduct Association, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges, which are by law incident to corporations of a similar nature.

Section 2. And be it further enacted, That Roswell Elmer, Austin Tyler and Timothy S. Gleason or any two of them, shall call a meeting of said Association, by posting up a notification at two or more public places in Claremont Village, said meeting to be holden at any suitable time and place after fifteen days from the time of posting up said notification, and the proprietors by a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall agree on a method of calling future meetings and at the same, or at any future meetings, may elect such officers, and make and establish such rules and by laws as to them shall seem necessary and convenient, for the regulating and government of said corporation, for securing, managing and improving the interests

thereof, and for carrying into effect the purposes by this act intended, and the same by laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and by laws are not repugnant to the Constitution and laws of this State. And all representations at any meeting of this Corporation shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, or recorded in a book or books provided and kept for that purpose.

Section 3. And be it further enacted, That the capital stock of said corporation shall be divided into ten shares, and said corporation shall have power to purchase and hold in fee simple or otherwise so much land as may be sufficient to enable them to convey to any part of the Village in said Claremont by means of an aqueduct, the water from any brook, spring or springs of water, upon or in the neighbourhood of the hill southerly of said Claremont village, and not more than one mile from the Congregational Meeting House in said Village, and may purchase the exclusive right of springs within said limits so far as is necessary for the purposes of said aqueduct.

Section 4. And be it further enacted, That said Corporation shall have power to convey the water from any such brook, spring or springs, to said Claremont village, and there distribute the same by means of an aqueduct or cisterns to be by them built for the purpose, provided that the land upon which said aqueducts or cisterns are built is owned by said corporation, or the owners of such land shall consent thereto.

Section 5. And be it further enacted, That the share or shares of any of said proprietors may be transferred by deed, duly executed, acknowledged and recorded by the Clerk of said Proprietors on their records; and the share or shares of any proprietor may be sold by said Corporation on nonpayment of any assessment duly made, agreeably to the by laws that may be agreed on by said Corporation

[CHAPTER 49.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF THE BOSCAWEN ACADEMY, IN BOSCAWEN.

[Approved December 16, 1828. Acts, vol. 26, p. 29. See also act of June 26, 1872, Session Laws, 1872-76, p. 111.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there be and hereby is established in the town of Boscawen an Academy, by the name of the Boscawen Academy.

Section 2. And be it further enacted, That Samuel Wood,

Ebenezer Price, Ezekiel Webster, John Greenough, Henry Gerrish, Isaac Gerrish, John Cogswell, John Farmer and Simeon B. Little, are hereby made a body corporate by the name of the Trustees of the Boscawen Academy, by which name they may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution. And the number of said Trustees shall not at any time be more than nine nor less than five, five of whom shall be a quorum for the transaction of business.

Section 3. And be it further enacted, That the Trustees aforesaid and their successors, shall be the Trustees and Governors of said Academy, with continuance and succession forever, with power to establish such by laws and regulations, and to appoint such officers for the government of said Academy, as to them may seem requisite and proper. And as often as any vacancy or vacancies shall occur, in said Board of Trustees, by death resignation, or otherwise, a majority of the Trustees remaining, shall, by ballot, fill such vacancy or vacancies.

Section 4. And be it further enacted, That the Trustees aforesaid, and their successors be and they are hereby rendered capable in law to take by gift, grant, devise, bequest or otherwise, real and personal estate to the value of ten thousand dollars, to have and to hold the same, on such conditions as may be expressed in any will, deed or other instrument of conveyance, which may be made to them, and which the said Trustees may use and employ, sell and dispose of, for the benefit of said Academy, at pleasure. And all deeds, leases and other instruments, made and executed by the Treasurer of said corporation, in pursuance of any vote of the said Trustees, shall bind said Trustees and their successors and be valid in law.

Section 5. And be it further enacted, That John Greenough may call the first meeting of said Trustees, by giving each of them personal notice of the time place and object of said meeting four days at least prior to said meeting

[CHAPTER 50.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF GEORGE D. ABBOT, E. H. MAHURIN, WILLIAM BADGER AND CLEMENT STORER.

[Approved December 16, 1828. Acts, vol. 26, p. 32.]

Be it enacted by the Senate and House of Representatives in General Court convened, That George D. Abbot be allowed the sum of thirty dollars fifty cents, that Ephraim H. Mahurin be al-

lowed the sum of fifteen dollars, that Clement Storer be allowed the sum of five dollars, that William Badger be allowed the sum of four dollars thirty two cents in full of their respective accounts, And that said sums be paid out of the Treasury.

[CHAPTER 51.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED, AN ACT TO INCORPORATE THE PROPRIETORS OF COLUMBIA BRIDGE, PASSED JUNE 16. 1824.

[Approved December 16, 1828. Acts, vol. 26, p. 35. See act referred to, *ante*, p. 281.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the Proprietors of Columbia Bridge be allowed the further term of two years from the first day of June next for completing the same.

Section 2. And Be it further enacted, That Ephraim H. Mahurin, David Bundy, Charles C. Cone or any two of them are hereby authorized to call a meeting of said Proprietors by posting up a notice therefor at some public place in Columbia, at least fifteen days prior to said meeting, at which meeting the said Proprietors may elect all proper officers, agree on the manner of calling future meetings and at the same or any subsequent meeting may transact any and all business necessary to carry into effect the objects of their association, and pass any by laws not repugnant to the laws of the State.

Section 3. And Be it further enacted, That the Legislature shall have the right to alter and amend the act to which this is in addition at any time hereafter as to them shall seem fit.

[CHAPTER 52.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PORTSMOUTH SOUTH PARISH SABBATH SCHOOL.

[Approved December 16, 1828. Acts, vol. 26, p. 37. See also act of June 27, 1857, Session Laws, 1857, Private Acts, Chap. 2036.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That Nathaniel A. Haven, John Ball, John W. Foster, Alexander Ladd, William H. Y. Hackett, Samuel Lord, Samuel Hale, William Stavers, Nathaniel W.

Appleton and Joseph W. Haven and their associates and their successors, be, and they hereby are made a body corporate and politic forever by the name of the Portsmouth South Parish Sabbath School, and said Corporation is hereby empowered to hold and possess real and personal estate not exceeding in value the sum of Five Thousand Dollars free of taxation, and said Corporation is hereby vested with all the powers rights and privileges and subject to the liabilities incident to corporations of a similar nature.

Section 2. And be it further enacted, That said Corporation at any meeting duly notified and holden for that purpose, may establish such rules and by laws for the government of said Corporation and for the purpose of carrying into effect the object of their association, as they may deem proper, provided the same are not repugnant to the Constitution and laws of this State; may elect such officers as they may consider necessary and prescribe their powers and duties, designate the manner in which individuals shall hold their interest in the property of the Corporation, and how the same shall be transferred.

Section 3. And be it further enacted that John W. Foster, John Ball and William H. Y. Hackett, or any two of them may call the first meeting of said Corporation at such time and place as they may deem proper, by publishing notice thereof in either of the newspapers printed in Portsmouth ten days previous to the time of holding such meeting.

[CHAPTER 53.]

State of }
New Hampshire. }

AN ACT ALLOWING A CERTAIN PREMIUM FOR KILLING CROWS.

[Approved December 16, 1828. Acts, vol. 26, p. 39. Session Laws, 1828, Chap. 53. See acts of June 27, 1817, Laws of New Hampshire, vol. 8, p. 645, and July 1, 1819, id., p. 869. Repealed by act of July 4, 1829, Laws, 1830 ed., p. 211.]

Be it enacted by the Senate and House of Representatives in General Court convened. That if any person shall kill any crow within this State between the first day of April and the first day of July in each and every year and shall bring the same to any one of the Selectmen or Treasurer of the town or place where the same was killed or if there be no Selectmen or Treasurer in such Town or place, then to one of the Selectmen or Treasurer of the town or place next adjoining thereto, and shall prove to the satisfaction of such Selectman or Treasurer, that he killed the crow thus brought as aforesaid within such town or place aforesaid, and within the

time aforesaid, the said Selectman or Treasurer shall cut off the head of such crow, and shall otherwise disfigure it so that it shall not be produced for the like purpose again; and the said Selectman or Treasurer shall pay to the person who killed such crow, ten cents therefor, and take such person's receipt for such payment, and the Selectman or Treasurer of the several towns in this State, upon presenting to the Treasurer of this State their respective accounts for monies paid by them or either of them respectively, to any person or persons as a premium for killing crows as aforesaid, shall receive the amount of such accounts out of the State Treasury. And the Treasurer of this State is hereby authorized and directed to pay the same accordingly.

[CHAPTER 54.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF LEMUEL BARKER, WILLIAM PALMER, DANIEL HARVEY, THE SELECTMEN OF JEFFERSON, THE SELECTMEN OF SHELBURNE AND THOMAS WHEELER JR.

[Approved December 16, 1828. Acts, vol. 26, p. 41.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Lemuel Barker be allowed the sum of seven dollars, that William Palmer be allowed the sum of five dollars, that Daniel Harvey be allowed the sum of six dollars, that the Selectmen of the town of Jefferson be allowed the sum of seven dollars, that the Selectmen of the town of Shelburne be allowed the sum of five dollars, that Thomas Wheeler Jr be allowed the sum of three dollars in full of their respective accounts, and that said sums be paid out of the Treasury.

[CHAPTER 55.]

State of }
New Hampshire. }

AN ACT DEFINING THE POWERS AND DUTIES OF FIREWARDS AND OTHER PERSONS IN CERTAIN CASES.

[Approved December 16, 1828. Acts, vol. 26, p. 43. Session Laws, 1828, Chap. 55. Laws, 1830 ed., p. 489. This act repeals acts of April 6, 1781, Laws of New Hampshire, vol. 4, p. 380; June 17, 1794, id., vol. 6, p. 188; November 30, 1803, id., vol. 7, p. 169; June 27, 1818, id., vol. 8, p. 723; June 30, 1821, *ante*, p. 55; December 20, 1824, *ante*, p. 350; December 21, 1824, *ante*, p. 359, and June 20, 1826, *ante*, p. 487. See also act of July 3, 1830, Session Laws, 1830, Chap. 45. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1. Be it enacted by the Senate and house of Representatives in General Court convened, That the firewards of each town in this State, shall by major vote choose a chairman and Secretary or clerk. And all acts required to be done by such firewards shall be as valid and effectual if done by a majority of them as if all were present and consenting thereto. And any notice required to be given by such firewards shall be valid and effectual if signed by their chairman and Secretary or clerk. And the said firewards shall have for a badge of office a staff painted red, five feet long and headed with a bright brass spire. And the said firewards are hereby required upon the breaking out of fire in any such town to repair immediately to the place where such fire may be, taking with them their badge of office, and to exert themselves vigorously and to demand assistance from all persons present, to extinguish and prevent the spreading of such fire; and to remove any property endangered thereby; and to appoint guards to take care of such property.

Sec 2. And be it further enacted That the said firewards be and hereby are empowered to require assistance from all persons present at such fire to pull down blow up or remove any houses buildings or other thing whatsoever, provided it shall be judged necessary by a majority of said firewards then present, for preventing the spreading of such fire

And said firewards are hereby empowered to suppress with force if necessary all tumults and disorders, and to order direct and control the labor of all persons present at such fire. And if any person present at such fire shall neglect or refuse to obey the commands of said firewards or any of them at such fire, such person shall be liable to a penalty of fifty dollars.

Sec 3. And be it further enacted, That said firewards shall have at all times the entire direction and control of all fire engines, fire hooks, hoses and other implements designed or used for extinguishing or preventing the spreading of fire, in any such town.

And the said firewards shall have at all times the general direction and control, of all persons chosen or accepted by them to serve in any engine company, ax company, hose company or other association of persons, whose special duty it shall be to aid in extinguishing or preventing the spreading of fire, in all matters appertaining to the duties of their respective appointments.

Sec 4. And be it further enacted, That it shall be the duty of said firewards to give a warrant under the hand of their chairman, to be countersigned and recorded by their Secretary or clerk, to each person chosen or accepted by them to serve in any of the companies aforesaid, which warrant shall be valid so long as such person shall continue a member of said company, or until said warrant shall be revoked by order of said firewards, and the revocation thereof recorded by their secretary or clerk. And every man to whom any such warrant shall be granted not exceeding eighteen men to each fire engine or hose company, shall be exempted from training in the militia and serving as juror during the time such warrant shall be in force, provided however that when in the judgement of the selectmen and firewards of such town, a greater number than eighteen men shall be necessary to any such engine or hose company, additional men not exceeding twenty two to any such engine or hose company may be appointed by said selectmen and firewards, and a warrant signed by said selectmen and also signed, countersigned and recorded as aforesaid, shall entitle such additional men to be exempted as aforesaid.

Sec 5 And be it further enacted, That if any person shall assume the office of fireward, not being thereto legally chosen, or shall use the badge aforesaid, he shall be liable to the penalty of fifty dollars.

Sec 6. And be it further enacted, That if any person or persons shall at such fire plunder, embezzle convey away or conceal any goods or effects, and shall not forthwith deliver the same or give information thereof to the owner or owners if known, otherwise, to one of the firewards, such person or persons shall be deemed and taken to be guilty of larceny thereof.

Sec 7. And be it further enacted, That the major part of said firewards present at any such fire are hereby empowered to cause any houses buildings or other thing whatsoever, to be pulled down blown up, or removed that they shall judge necessary to stop the progress of such fire, And if by destroying or injuring any such houses, buildings or other thing as aforesaid, the fire shall be stopped or if the fire shall be stopped before it reach the same the owner or owners of every such house building, or other thing shall receive a reasonable compensation for the injury done to the same, to be paid by the town. And the selectmen of such town for the time being on application to them for that purpose, are hereby empowered and directed to appraise the damage done to any house

building or other thing, by order of the firewards as aforesaid, and to assess the polls and estates in such town liable by law to be assessed in town taxes their just and legal proportion of such damage, which shall be collected in the same manner as other town taxes may be by law collected.

And if such selectmen shall neglect or refuse to make adequate compensation for any damages sustained as aforesaid for the space of three months after application to them for that purpose, the party aggrieved may apply by petition to the court of common pleas, for the county wherein such town may be, for redress. And said court of common pleas, after reasonable notice of said petition to such town, shall ascertain and determine the amount of such damages, and render judgment and issue execution therefor and for costs against such town, provided however that when any such house building or other thing wherein or whereat the fire first began, shall be pulled down blown up, or removed by order of said firewards, the party injured shall not be entitled to compensation for damages as aforesaid. And when any other house, building or thing shall be pulled down blown up, or removed by order of said firewards to stop the progress of fire and such fire shall not be stopped thereby, and it shall appear that such other house, building or thing must have been burnt, if the same had not been pulled down, blown up or removed, as aforesaid, the party injured shall not be entitled to compensation for damages as aforesaid.

Sec 8. And be it further enacted, That when in the opinion of the firewards any building in such town has become dangerous by reason of decay or want of repairs or otherwise it shall be the duty of the firewards to give a written notice thereof to the owner or owners of such building if residing within the town, or to the occupant of such building if the owner or owners do not reside within the town, or in case the owner or owners do not reside within the town, and there be no occupant of such building, to post up such notice in at least three public places in said town, which notice shall in all cases contain a particular account of the repairs or alterations required, to be made; and in case such repairs or alterations be not made within thirty days from the time of giving or posting up said notice as aforesaid, the firewards may cause such repairs or alterations to be made at the expence of the town, and such town may recover the amount thereof against such owner or owners or occupant by an action of debt before any court competent to try the same, and such action may be brought by the firewards in the name and behalf of said town, and in case, in the opinion of the firewards such building be in a ruinous state and not worth repairing and the owner or owners do not within sixty days from the time of such notice make the repairs or alterations required therein the said firewards may cause such building to be demolished at the expense of the town, and shall make out a particular account of such expense

and cause the same to be filed with their secretary or clerk; and in case the owner or owners do not within five days from such filing repay the amount of such expense, the said firewards may sell by public Auction the materials of such building; and from the proceeds of such sale shall retain the amount of such expense and charge of sale, and the overplus, if any; shall pay over to the owner or owners of such building when thereto requested, provided however that when in the opinion of the firewards the public safety may be greatly endangered unless such repairs or alterations be immediately made they may limit and appoint such time less than thirty days for making the same and give such notice thereof as they may think the exigency of the case may require, and such repairs or alterations not being made by the owner or owners or occupant within such limited time the subsequent proceedings shall be the same as herein provided in cases where such repairs or alterations are not made within thirty days after notice as aforesaid.

Sec 9. And be it further enacted, That it shall be the duty of such town to advance to the firewards from time to time when thereto requested, such sums as may be necessary to carry into effect the provisions of this act; and it shall be the duty of the firewards of such town annually in the month of March and before the annual town meeting, to transmit to the selectmen an exact account of their receipts and expenditures in said office of firewards, which account the selectmen shall lay before the town at such annual meeting, or at any meeting adjourned therefrom; and all penalties recovered by virtue of any provision in this act shall be accounted for to the selectmen in their annual account as aforesaid.

Sec 10. And be it further enacted, That every house or other building of two or more stories in height which has four fireplaces, shall be provided with two leather buckets of such size and form as the firewards of such town shall from time to time prescribe; and every such house or other building which has six fireplaces, shall be provided with three such buckets, and every such house or building which has eight fireplaces shall be provided with four such buckets, and every such house or building which has more than eight fireplaces shall be provided with six such buckets; and every such house or building shall have thereon a good secure ladder or ladders reaching from the ground to the ridge pole, which buckets and ladders shall be provided and kept in good repair, at the charge of the owner or owners of such house or building. And in case the owner or owners of such house or building shall neglect to provide and keep in good repair such buckets and ladders he or they shall be liable to a penalty of six dollars for every three months neglect therein. And in case of such neglect the firewards may give notice to the owner or owners, or to the occupant if the owner or owners are unknown or do not reside within such town, to provide such buckets and ladders and if the same shall not be provided within thirty days after

such notice it shall be the duty of said firewards to provide the same at the expense of the town: and such town may recover the amount thereof of the owner or owners of such house or building or of the occupant in case the owner or owners thereof be unknown or do not reside within such town, by an action of debt before any court competent to try the same, and such action may be brought, by the firewards in the name and behalf of such town.

Sec 11. And be it further enacted That any tenant who shall be obliged to pay any sum of money by virtue of this act which sum his lessor ought to have paid may retain the same out of the rent of the tenements, he holds under such lessor; or may recover the same against such lessor in an action of debt before any court competent to try the same

Sec 12 And be it further enacted that it shall be the duty of said firewards and they or any of them are hereby empowered to cause any fires on any wharf or in any street or highway in any such town to be forthwith extinguished or removed whenever in their opinion the public safety may require the same.

Sec 13. And be it further enacted That the firewards of any town be and they hereby are empowered from time to time to make and ordain such rules and regulations not repugnant to any law of this state respecting the kindling, guarding and safe-keeping of fires and also for the prevention and extinguishing of fires, or for clearing away shavings, chips or any combustible matter, that may be thought dangerous, from any house or other building or place as they in their judgement may think proper.

And such rules and regulations signed by the major part of said firewards, shall be recorded in the records of the town, and copies of the record attested by the town clerk, shall be posted up in two or more public places in the town at least thirty days before such rules and regulations shall take effect. And the said firewards shall have full power to annex such penalties for the breach of any or all of such rules and regulations as they may deem necessary not exceeding twenty dollars for each offence; and such rules and regulations shall be in force until altered or annulled by the laws of the state or by the firewards of such town.

Sec 14 And be it further enacted That all penalties incurred by the breach of any provision in this act or by the breach of any rules and regulations made by the firewards of any town in manner provided by this act may be recovered by action of debt before any court competent to try the same which action may be instituted by the firewards in the name and behalf of the town where the offence was committed; and all penalties recovered shall be appropriated by the firewards to the purchase or repair of engines or instruments proper to be used in case of fire, or shall be paid into the treasury of the town. And all actions for the recovery of any penalty within the jurisdiction of a justice of the peace may be sued and prosecuted

before any justice within the county where the offence was committed, and it shall be no cause of exception to any such justice, that he resides or has property within the town where the offence was committed.

Sec 15. And be it further enacted, That this act shall extend to and be in force only in such towns in this state which shall at their annual or other town meetings called for that purpose adopt the same, Provided however that such town may adopt the whole or any part thereof as they may think proper, provided also that such town may exempt from the operation of the tenth section of this act such inhabitant of such town as live remote from the compact part thereof—

Sec 16. And be it further enacted That an act entitled “an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings, to prevent the keeping of fires in unsuitable houses and places, to preserve goods endangered by such fires, and to remove or demolish buildings judged to be dangerous to the public safety” passed April 6th 1781; an act entitled “an act in addition to and altering an act entitled an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings; to prevent the keeping of fires in unsuitable houses or places, to preserve goods endangered by such fires, and to remove or demolish buildings judged to be dangerous to the public safety” passed June 17th 1794; an act entitled “an act in addition to an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled”—passed November 30th 1803; an act entitled “an act in addition to an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled—” passed June 27th 1818; an act entitled “an act empowering the selectmen and firewards of the town of Portsmouth to appoint additional fire engine men” passed June 30th 1821.; an act entitled “an act in addition to and in amendment of the several acts now in force regulating the proceedings for extinguishing fires” passed December 20th 1824; an act entitled “an act prescribing the mode of recovering the fines and penalties, in an act to regulate the proceedings for extinguishing fires &c passed April 6th 1781.” passed December 21st 1824; and an act entitled “an act empowering the firewards in the several towns in this state to make rules and regulations respecting fires” passed June 20th 1826. be and hereby are repealed. provided that all rules and regulations made by the firewards of any town now in force shall be and remain in force, as if the same had been made under the provisions of this act, and all penalties incurred for any breach of such regulations, or of any provisions of the said acts hereby repealed may be recovered in the same manner as if this act had not been passed.

Sec. 17. And be it further enacted That this act shall not take effect until the first day of February next.

[CHAPTER 56.]

State of }
New Hampshire. }

AN ACT RELATING TO THE ELECTION OF THE REPRESENTATIVES OF
CLASSED TOWNS.

[Approved December 23, 1828. Acts, vol. 26, p. 55. Session Laws, 1828, Chap. 56. Laws, 1830 ed., p. 424. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the meetings for the choice of the Representatives of such towns as are or may be classed for that purpose, shall be called by warrant under the hands and seal of the selectmen of that town, wherein the meeting is, by law, to be holden for that year, requiring the inhabitants of said towns, qualified to vote for Senators; to meet at a certain place in said town, and at a certain hour therein mentioned, and expressing the purpose of such meeting. And the said selectmen shall post up an attested copy of such warrant, at the meeting house or some other publick place in each of said towns, fifteen days before such meeting, and return such warrant, with their doings thereon, at the time and place of such meeting.

Section 2. And be it further enacted, That the Selectmen of the town wherein such meeting is to be holden shall lodge with the town clerk of such town and shall cause to be posted up at some public place in said town at least fifteen days previous to said meeting an alphabetical list of all the legal voters of said town, and shall at said meeting on receiving satisfactory evidence thereof enter on said list the names of all legal voters in said town not before on said list and likewise the names of all legal voters belonging to the towns or places classed with said town for the choice of a Representative who may appear at said meeting and offer to vote.

Section 3. And be it further enacted, That at the meetings aforesaid, a moderator shall be chosen, by ballot, by a majority of votes. And the said moderator and the selectmen and town clerk of the town wherein such meeting shall be holden, shall have and exercise the same powers, perform the same duties, and be subject to the same penalties and liabilities; and the legal voters, present at such meeting, shall have the same rights, and be subject to the same penalties and liabilities, as they respectively would, by law, if such meeting were a legal meeting of the inhabitants of one town only.

Section 4. And be it further enacted, That in case there shall be no town clerk of the town, wherein such meeting shall be holden, or in case of his absence, the legal voters present shall, by ballot, by a majority of votes, elect a clerk of the meeting, who shall be sworn,

and shall perform the duties by law required of town clerks in town meetings, and shall keep a fair record of the proceedings of the meeting, and shall transmit the same, duly certified, to the town clerk of said town, as soon as may be, whose duty it shall be, to record the same in the book of records of the town, in which such meeting may be holden.

Section 5. And be it further enacted, That if the selectmen of the town, wherein the meeting of the legal voters of such classed towns for the choice of a Representative should, by law, be holden for that year, shall neglect to warn such meeting, or to make, post up, and lodge with the town clerk of said town, a list of the legal voters in said town, agreeably to the provisions of this act, they shall forfeit and pay the sum of fifty dollars for each offence, to the use of any person, who will sue for the same.

[CHAPTER 57.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF DALTON BRIDGE.

[Approved December 23, 1828. Acts, vol. 26, p. 59. See also acts of June 27, 1818, Laws of New Hampshire, vol. 8, p. 729; June 28, 1823, *ante*, p. 211; December 27, 1844, Session Laws, 1844, November session, Chap. 202; December 26, 1848, *id.*, 1848, November session, Chap. 796, and July 2, 1870, *id.*, 1867-71, p. 468.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That David H. Sumner, his Associates and Successors, be, and they hereby are incorporated and made a body corporate and politic, by the name of The Proprietors of Dalton Bridge; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

Section 2. And be it further enacted, That the exclusive right of building, rebuilding, and keeping in repair forever, a Bridge over Connecticut River, at any place between the most northerly corner of Dalton in the County of Coos, and a stake to be placed two and a quarter miles below the mouth of John's River, measuring as the said Connecticut River runs on its easterly bank—be, and hereby is granted to said Corporation. And said Corporation is hereby empowered to purchase and hold real estate necessary and convenient for carrying into effect the purposes of this act, not exceeding in value the sum of fifteen hundred dollars, and the same may alienate and dispose of at pleasure.

Section 3. And be it further enacted, That the said David H. Sumner may call the first meeting of said Corporation by posting up notifications thereof in the town of Dalton aforesaid, and in Lunenburg in the State of Vermont, expressing the time, place, and design of such meeting at least fifteen days prior to the day of holding the same; at which meeting the said Corporation may agree on the manner of calling future meetings; and at the same or at any subsequent meeting may elect and appoint such officers and servants as they may deem necessary for conducting the concerns of the Corporation; may divide their joint stock into shares, and agree on the manner of transferring them; may order assessments and fix the time of their payment; may pass by laws not repugnant to the laws of the State for their regulation and government, and annex penalties to the breach thereof not exceeding ten dollars for any one offence, and do and transact any business necessary for carrying into effect the objects of their association. All questions at any meeting of said Corporation shall be determined by a majority of votes of the members present and represented, allowing one vote to each share; and authority to vote at any such meeting in behalf of an absent member shall be proved by writing signed by the person represented, which writing shall be filed with the clerk.

Section 4. And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon; and upon the non payment thereof within the time limited therefor, the delinquent share or shares may be advertised and sold at public auction, or so many of them as may be necessary to pay such assessments with the incidental charges, under such regulations as said corporation in their by laws may prescribe, and any overplus after payment of such assessments and incidental charges shall be paid to the owners of the shares sold on demand.

Section 5. And be it further enacted, That to reimburse said corporation the money expended in building and keeping said Bridge in repair, a toll be, and hereby is granted to said Corporation; and the toll gatherer or toll gatherers appointed by said Corporation are hereby authorized to demand and receive the following rates of toll, and to stop and detain any person or persons from crossing said Bridge with their carriages, teams, horses, cattle and droves, until the same shall be paid, that is to say: For each foot passenger, two cents; for each horse and rider, six cents; for each horse and chaise, or other carriage of pleasure, drawn by one horse, ten cents, for each gig waggon, drawn by one horse, eight cents, for each sleigh or sled, drawn by one horse, six cents; if drawn by two horses, eight cents, for each coach, or other four-wheeled carriage of pleasure, or for passengers, drawn by two horses, twenty cents; for each curricule, drawn by two horses, twelve cents; for each cart or other

carriage of burthen, drawn by one beast, eight cents; if drawn by two beasts, ten cents; for each additional beast to either of the foregoing vehicles three cents; for horses, mules or neat cattle in droves, two cents each, and for sheep or swine, one half cent each; and no more than one person shall be allowed to pass said Bridge with any carriage of burthen free of toll. And at all times when the toll gatherer does not attend his duty, the gate or gates which may be erected upon or across said Bridge shall be left open.

Section 6. And be it further enacted, That if within four years from the passing hereof, the said Bridge shall not be built, then this act shall be null and void. And in case said Corporation shall fail to have and keep in good repair a convenient and safe Bridge within the limits aforesaid, according to the true intent and meaning hereof for the space of two years at any time thereafter, then this act shall be void. And the tolls hereby granted shall be subject to future revision and alteration by the Legislature.

[CHAPTER 58.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT DIRECTORS AND COMPANY OF THE BANK OF LEBANON.

[Approved December 23, 1828. Acts, vol. 26, p. 69. See also act of July 9, 1846, Session Laws, 1846, Chap. 403.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Phineas Parkhurst, Richard Kimball, Timothy Kenrick, Stephen Kendrick, William Benton, Thomas Waterman, David Hough Jr. Samuel S. Barrows, Calvin Benton, Gideon Dickinson, Elias Lyman, Chester Baxter, John Downer, Solomon Downer, John Bryant, John Ticknor, Robert Kimball, James Willis, Converse Goodhue, Alpheus Baker, Reuben True, Thomas Chellis Jr, James Smith, Diarca Allen, Abner Allen, Edward Bosworth, Richard Buswell, Ammi B. Young, Amos Bugbee, George H. Lathrop, Wareham Morse, Uriah Amsden, Samuel Selden, David C. Churchill, Roswell Sartwell and their associates, and those who may hereafter become associates in said Bank, their successors and assigns, be, and they hereby are created and made a corporation by the name of the President Directors and Company of the Bank of Lebanon; shall so continue until the first day of June which will be in the year of our Lord one thousand eight hundred and forty eight, and by that name shall, be and hereby are, made capable in law to sue and be sued, plead and be impleaded,

defend and be defended in any court of record, or any other place whatever; and also to make, have and use a common seal, and the same at pleasure to break, alter, or renew; and also to ordain, establish and put in execution such by laws, ordinances and regulations, not repugnant to the laws of this State, as to them shall seem necessary and convenient for their regulation and government, and for the prudent management of the affairs of said corporation; subject always to the rules, restrictions, limitations and provisions hereafter prescribed.

Section 2. And be it further enacted, That the capital or joint stock of said Corporation shall consist of a sum not less than one hundred thousand dollars, nor more than one hundred and fifty thousand dollars, in specie, and shall be divided into one thousand shares, and the stockholders shall at their first meeting, or at an adjournment thereof, by a majority of votes, determine the amount of payments to be made on each share, and the time when and where they shall be made; also the manner of transferring and disposing of the stock and the profits thereof, which being entered on the books of said Corporation, shall be binding on the stockholders, their successors and assigns. Provided that no stockholder shall be allowed to borrow at said Bank, until he shall have paid in his full proportion of said sum of one hundred thousand dollars at least: Provided also that no stockholder shall, in any case be allowed to borrow more than fifty per cent on his capital stock so paid in. And said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell, dispose of and convey the same, and to loan and negotiate their monies and effects by discounting on banking principles on such personal security as they shall think advisable.

Section 3. And be it further enacted, That the following rules, restrictions, limitations and provisions, shall form and be the fundamental articles of said Corporation.

1. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in, at such time, and then composing the capital stock of said Bank, and in case any Cashier, Director, or other officer of said Bank at any time shall knowingly issue, or order, direct or cause to be issued and put in circulation bills, notes or obligations of said Bank, which, together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank, such Cashier, Director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars.

2 That dividends may be made semiannually among the stock-

holders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall be divided among, or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the licence of the Legislature of this State therefor, on penalty that any Cashier, Director or other officer who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor, forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. Provided nevertheless, that it shall be lawful for the stockholders, after having given one years previous notice of their intention, by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make division of the capital stock among themselves and thereby dissolve said Corporation.

3. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by any means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made, until such loss or diminution shall have been replaced and supplied by assessments and actual payments of the stockholders, or by appropriations therefor of the interest and profit actually received.

4. That said Corporation shall not vest, use nor improve any of their monies, goods, chattels or effects, in trade or commerce; but may sell all kinds of personal pledges, lodged in their possession by way of security, to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said Corporation, being a citizen of this State, and resident therein, shall be eligible for a director, and the directors shall choose one of their own number to act as President. The Cashier, before he enters upon the duties of his office shall give bond with two or more sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty five thousand dollars, with condition for the faithful performance of the duties of his office.

6. That for the well ordering of the affairs of said Bank or Corporation, a meeting of the stockholders shall be holden at such place, as they shall direct on the first Monday of March, annually, from and after their first meeting, and at any other time during the continuance of said Corporation, at such place as may be appointed by the President and Directors, for the time being, by public notice being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot seven Directors, to continue in office the year ensuing their election, and until others are chosen in their

stead; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion; that is to say, for every one share one vote; for every two shares above one, and not exceeding twenty, one vote, for every three shares above twenty, one vote; provided that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy—being authorized in writing, signed by the person represented and filed with the Cashier.

7. That no Director shall be entitled to any emolument for his services; but the stockholders may make the President such compensation as to them shall appear reasonable.

8. That no less than four Directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness, or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said Bank, signed by the President and countersigned by the cashier, shall be binding on said Corporation.

10. That the Directors shall appoint a Cashier, Clerks and such other agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in the town of Lebanon in the County of Grafton.

12. That the Legislature shall at all times have the right by persons duly appointed for that purpose to examine into the state and condition, and all the doings and transactions of said Corporation, and of their officers relating to the same; for which purpose all the books and papers of the Corporation together with their monies and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so appointed, and each officer shall answer on oath if required all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Section 4. And be it further enacted, That the said Timothy Kenrick, Samuel Selden, Alpheus Baker, or any two of them may call a meeting of the members of said Corporation, at such time and place as they may deem proper by giving public notice thereof at least two weeks prior to the time of meeting, by posting up notifications therefor at some public place in each of the towns of Lebanon, Hanover, Enfield and Plainfield, for the purpose of making, ordaining and establishing such by laws, ordinances and regulations as the said members may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

Section 5. And be it further enacted, That all penalties incurred

for a breach of any of the provisions of this act, may be recovered by information or suit in the name of the State.

Section 6. And be it further enacted, That if said Corporation shall not be organized and in operation, and shall not have actually paid to the Treasurer of this State, on or before the second Wednesday of June, which will be in the year of our Lord one thousand eight hundred and thirty—one half of one per cent. on the amount which shall constitute the capital stock of said Bank, agreeably to the provisions of the act to establish a literary fund, to be collected from the several banking corporations in this State, passed June 20, 1821. in that case, this act and every part thereof shall be void and of no effect.

[CHAPTER 59.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
PRESIDENT DIRECTORS AND COMPANY OF THE DERRY BANK.

[Approved December 23, 1828. Acts, vol. 26, p. 79. See also acts of June 16, 1831, id., vol. 28, p. 10; June 22, 1848, Session Laws, 1848, June session, Chap. 668; December 22, 1848, id., November session, Chap. 788, and July 13, 1855, id., 1855, Chap. 1771.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Alanson Tucker, William Choat Jr. James Thom, Charles Redfield, Christopher S. Thom, Joseph Doe and John Porter and their Associates and those who may hereafter become associates in said Bank their successors and assigns, be, and they hereby are created and made a Corporation by the name of the President Directors and Company of the Derry Bank, and shall so continue until the first day of January, which will be in the year of our Lord one thousand eight hundred and forty nine, and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court of record or any other place whatsoever, and also to make, have and use a common seal, and the same at pleasure to break, alter or renew, and also to ordain, establish and put in execution such by laws ordinances and regulations, not repugnant to the laws of this State, as to them shall seem necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation; subject always to the rules, restrictions, limitations and provisions hereinafter prescribed.

Section 2. And be it further enacted, That the capital or joint stock of said Corporation shall consist of a sum not less than one

hundred thousand dollars, nor more than two hundred thousand dollars in specie, and shall be divided into one thousand shares, and the stockholders shall at their first meeting or at an adjournment thereof by a majority of votes, determine the amount of payments to be made on each share, and the time when and where they shall be made; also the manner of transferring and disposing of the stock and the profits thereof, which being entered on the books of said Corporation shall be binding on the stockholders, their successors and assigns. Provided that no stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of one hundred thousand dollars at least. Provided also that no stockholder shall in any case be allowed to borrow more than fifty per cent on his capital stock so paid in. And said Corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars and no more at any one time, with power to bargain, sell, dispose of and convey the same, and to loan and negotiate their monies and effects by discounting on banking principles on such personal security as they shall think advisable.

Section 3. And be it further enacted, That the following rules, restrictions, limitations and provisions shall form and be the fundamental articles of said Corporation.

1. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said Bank, and in case any Cashier, Director or other Officer of said Bank at any time shall knowingly issue or order, direct or cause to be issued and put in circulation, bills, notes or obligations of said Bank which together with those before issued and then in circulation shall exceed the amount of the capital stock of said Bank as aforesaid, such cashier, Director or other Officer shall forfeit and pay a sum not exceeding ten thousand dollars nor less than one thousand dollars.

2. That dividends may be made semiannually among the stockholders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall be divided among or paid to the stockholders either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the license of the Legislature of this State therefor, on penalty that any Cashier, Director or other Officer who shall so divide or pay the same, or order, direct or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. Provided nevertheless, that it shall be lawful for the stockholders after having given one years previous notice of their intention by advertisement in two

newspapers published in this State and after payment of all outstanding debts due from said Bank, to make division of the capital stock among themselves and thereby dissolve said Corporation.

3. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by any means whatever, it shall be the duty of the directors in their next annual return of the condition of said Bank by law required to be made to the Governor and Council to state the amount of such diminution or loss and the cause thereof, and after such loss or diminution no dividend of interest or profit shall be made until such loss or diminution shall have been replaced and supplied by assessments and actual payment of the stockholders or by appropriations therefor of the interest and profit actually received.

4. That said Corporation shall not vest, use nor improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges, lodged in their possession by way of security to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said Corporation being a citizen of this State, and resident therein, shall be eligible for a director, and the directors shall choose one of their own number to act as President. The Cashier, before he enters upon the duties of his office shall give bond with two or more sureties to the satisfaction of the board of Directors in a sum not less than twenty five thousand Dollars with condition for the faithful performance of the duties of his office.

6. That for the well ordering of the affairs of said Corporation a meeting of the stockholders shall be holden at such place as they shall direct on the first Monday of March Annually from and after their first meeting and at any other time during the continuance of said corporation at such place as may be appointed by the President and Directors for the time being by public notice being given at least two weeks prior thereto, at which annual meeting there shall be chosen by ballot seven directors to continue in office the year ensuing their election and until others are chosen in their stead and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion, that is to say, for every one share one vote, for every two shares above one and not exceeding twenty, one vote, for every three shares above twenty, one vote, provided that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy being authorized in writing, signed by the person represented and filed with the Cashier.

7. That no Director shall be entitled to any emolument for his services: but the stockholders may make the President such compensation as to them shall appear reasonable.

8. That no less than four Directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said Bank signed by the President and countersigned by the Cashier shall be binding on said Corporation.

10. That the Directors shall appoint a Cashier, clerks, and such other agents or servants, for conducting the business of the Bank with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in the town of Derry in the County of Rockingham.

12. That the Legislature shall at all times have the right, by persons duly appointed for that purpose, to examine into the state and condition, and all the doings and transactions of said Corporation and of their officers relating to the same; for which purpose all the books and papers of the corporation, together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons so appointed and each officer shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Section 4 And be it further enacted, That the said Alanson Tucker, John Porter and James Thom, or any two of them, may call a meeting of the members of said Corporation, at such time and place as they may deem proper, by giving public notice thereof at least two weeks prior to the time of meeting, by posting up notifications therefor at some public place in each of the towns of Derry, Londonderry and Chester, for the purpose of making, ordaining and establishing such by laws, ordinances and regulations as the said members may deem necessary, and for the choice of the first board of Directors and such other officers as they may see fit to choose.

Section 5. And be it further enacted, That all penalties incurred for a breach of any of the provisions of this act may be recovered by information or suit in the name of the State.

Section 6. And be it further enacted, That if said Corporation shall not be organized and in operation, and shall not have actually paid to the Treasurer of this State, on or before the second Wednesday of June, which will be in the year of our Lord one thousand eight hundred and thirty,—one half of one per cent on the amount which shall constitute the capital stock of said Bank, agreeably to the provisions of the Act to establish a Literary fund to be collected from the several banking corporations in this State, passed June 20. 1821, in that case this act and every part thereof shall be void and of no effect

[CHAPTER 60.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME AND STYLE OF THE MERRIMACK SOCIETY FOR THE CULTIVATION OF MARTIAL MUSIC.

[Approved December 23, 1828. Acts, vol. 26, p. 89.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That David P. Foster, John Campbell, William Wheeler and their associates, and those who may hereafterwards become associates with them their successors and assigns, are hereby made a corporation by the name of the Merrimack Society for the cultivation of Martial Music, and by that name may sue and be sued, prosecute and defend, and may make and establish by laws for the government of the corporation and management of its affairs not repugnant to the Constitution and Laws of this State. Provided that this act shall not be so construed as to relieve the corporators from any military duty or give them any precedence on any military parade.

Section 2. And be it further enacted, That said corporation may receive, hold and transfer any estate, the annual income of which shall not exceed one hundred dollars.

Section 3. And be it further enacted, That the persons before named, or either of them may call the first meeting of said Society at any place in the town of Merrimack, by posting a notice thereof, at the meeting house in said Merrimack at least ten days before the time of holding said meeting.

Section 4. And be it further enacted, That the Legislature may at any time alter or annul this act of incorporation when deemed expedient.

[CHAPTER 61.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TRUSTEES OF LANCASTER ACADEMY IN THE TOWN OF LANCASTER.

[Approved December 24, 1828. Acts, vol. 26, p. 93. See also acts of December 10, 1808, Laws of New Hampshire, vol. 7, p. 712; July 2, 1831, Acts, vol. 28, p. 197, and July 3, 1872, Session Laws, 1872-76, p. 81.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there be, and hereby is established in the Town of Lancaster an Academy by the name of Lancaster Academy.

Section 2. And be it further enacted, That William Lovejoy, John W. Weeks, Jared W. Williams, Richard Eastman, William Farrar, Thomas Carlisle, Samuel A Pearson, Reuben Stephenson and Adino N. Brackett, are hereby made a body corporate by the name of the Trustees of Lancaster Academy, by which name they may be sued in all actions, and prosecute and defend the same to final judgment and execution. And the number of said Trustees, shall not, at any time be more than nine, nor less than five; five of whom shall be a quorum for the transaction of business.

Section 3. And be it further enacted, That the Trustees aforesaid and their successors, shall be the Trustees and Governors of said Academy with continuance and succession forever, with power to establish such by laws and regulations, and to appoint such officers for the government of said Academy, as to them may seem requisite and proper. And as often as any vacancy or vacancies shall occur in said board of Trustees by death, resignation or otherwise, a majority of the Trustees remaining shall by ballot fill such vacancy or vacancies.

Section 4. And be it further enacted, That the Trustees aforesaid and their successors be, and they hereby are rendered capable in law to take by gift, grant, devise, bequest or otherwise real and personal estate to the value of ten thousand dollars, to have and to hold the same on such conditions as may be expressed in any will, deed or other instrument of conveyance, which may be made to them, and which the said Trustees may use and employ, sell and dispose of at pleasure, for the benefit of said Academy. And all deeds, leases and other instruments made and executed by the Treasurer of said Corporation in pursuance of any vote of the said Trustees, shall bind said trustees and their successors and be valid in law.

Section 5. And be it further enacted, That Jared W. Williams may call the first meeting of said Trustees, by giving each of them personal notice of the time place and object of said meeting four days at least, prior to said meeting.

[CHAPTER 62.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE TOWN OF FRANKLIN.

[Approved December 24, 1828. Acts, vol. 26, p. 95. Session Laws, 1828, Chap. 62. Laws, 1830 ed., p. 314.]

Whereas a number of the Inhabitants of Salisbury, Andover, Sandbornton and Northfield have presented to the General Court a Petition for a Town, to be composed of parts of said Towns to be incorporated as a separate Town, and the prayer thereof appearing reasonable, Therefore:

Section 1. Be it enacted, by the Senate and House of Representatives in General Court, convened, That there be, and hereby is a Town erected and incorporated by the name of Franklin, with the following bounds, viz, Beginning on the Merrimack River, where the line between Salisbury and Boscawen commences, thence South about 70 Degrees west, following the line between said Towns to the Southwest corner of lot No. 10 in the first range of lots in Salisbury, thence North six degrees East following the westerly line of said lot to a stone monument at the Northwest corner of said lot, thence North four rods across the first range way in Salisbury, thence South about 73 Degrees West to a stone marked C.B. at the Southwest corner of Lot No. 11. in the second range of lots in Salisbury, thence North six Degrees West on the Westerly line of said lot to the Northwest corner of said lot on the South side of the Centre Road so called, thence South about 73° West 63½ rods, thence North four rods across the road, thence South about 73 Deg. West 63½ rods to a stone marked C.B. at the Southwest corner of lot No. 61 in the third range of lots in Salisbury, thence North 14 Deg. East on the Westerly line of said lot 474 rods to a stone marked C.B. at the South side of the road, thence North about 73 Deg. East following the course of the Range way, to the Southwest corner of lot No. 52 in the 4th range of lots in said Salisbury, thence North, following the westerly line of said lot to a Stake and Stones on the line between Salisbury and Andover, thence South about 73 Deg. West following said line 55 rods to a stake and stones at the Southwest corner of lot No. 19 in the first range of lots in Andover, thence North about 7 Deg. west to the Northwest corner of said lot No. 19. and at the Southwest corner of lot No. 20. in the second range of lots in Andover, thence following the Westerly line of lot No. 20. aforesaid 320 rods to a Birch tree spotted, thence North 73 Degrees East nineteen rods, thence North four rods across the road to the Southwest corner of lot No. 61. in the third range of lots in said Andover, thence

North about 17 Degrees West on the Westerly line of said lot until you strike the fourth range way in Andover aforesaid, thence across said range way to the Southwest corner of lot No. 62. in the fourth range of lots in said Andover, thence Northerly on the West line of said lot to the line of New Chester, thence Easterly on the South line of said New Chester to Pemigewasset River thence passing down said River to the eastern shore where the sixth range way in Sandbornton strikes the said River, thence North about 77 degrees East following the middle of said range way 257 rods to the Northeast corner of lot No. 67. in the sixth range of lots in Sandbornton, thence South about 13 Degrees East on the Easterly line of said lot one hundred and sixty rods to a stone monument on the fifth range way in Sandbornton, thence South 13 Degrees East on the Easterly line of lot No. 22. in the fifth range of lots in said Sandbornton 186 rods to a stake on the fourth range way, thence North 77 Degrees East to the North East corner of lot No. 31 in said fourth range thence South 13 Degrees East on the Easterly line of said lot 186 rods to a stake and stones on the south side line of the third range way in Sandbornton, thence South about 77 Deg. West 84 rods to the North East corner of lot No. 61. in the 3^d range of lots in said Sandbornton, thence South 13 Degrees East 206 rods on the Easterly side of said lot to a stake and stones on the North side of the road, thence South about 77 Degrees West 56 rods, thence South across the road to a stake & Stones at the North East corner of lot No. 69 in the second range of lots in Sandbornton, thence South 13 Degrees East on the Easterly line of said lot No. 69, 270 Rods to a Maple tree, thence North 77 Degrees East eight Rods, thence South 13 Degrees East 66 rods to a stake and stones on the bank of the River Winnipisseogee, thence down said River, thence South across said River to a hemlock tree marked, being the corner of lots No. 7. and 8. in Northfield, thence South 140 rods to the North side of a range way, thence west 72 rods to the west side of the Leighton road in Northfield, thence South on the Westerly side of said road 307. rods, thence East four rods to the Easterly side of said road, thence South 307 rods, thence West along the Northerly line of lot No. 175. in the first range of lots in said Northfield 199 rods to a stake and stones at the Northwest corner of said lot, thence West 62 rods to a white Birch tree, marked, on the bank of the River Merrimack, thence down and across said River to the bound first mentioned. And that the parts of said Towns of Salisbury, Andover, Sandbornton and Northfield, within those bounds, be separated from the said Towns respectively, and that the Inhabitants, who now reside, or may hereafter reside within those bounds aforesaid, be, and hereby are made and constituted a distinct body politic and corporate by the name of Franklin, to have continuance and succession forever, and vested with all the rights, powers, privileges and immunities,

which other Towns in this State enjoy; Provided nevertheless, that all town officers residing within the limits of the town of Franklin who were chosen by the Towns of Salisbury, Andover, Sandbornton and Northfield, shall continue in their respective offices during the time for which they were elected; and all taxes which have been assessed shall be levied, collected, expended and applied in the same manner as if this act had not been passed.

Section 2. And be it further enacted, That Parker Noyes, John Simonds, Dearborn Sandborn and Edward Leighton, or any three of them, may call the first meeting of said Franklin, by giving such notice of the time, place and design of said meeting as the law requires for calling Town meetings, and either of said persons may preside at such meeting until a Moderator shall be chosen, and all Town Officers necessary and proper may be chosen at such meeting, who shall be sworn, and have all the powers and be subject to all the liabilities by law appertaining to such like Town Officers.

Section 3. And be it further enacted, That the funds belonging to the Towns of Salisbury, Sandbornton and Northfield severally be divided, and that the Town of Franklin have and receive such proportion of said funds, as the State taxes of the year A.D. 1828 assessed on the part of each Town included as aforesaid in the Town of Franklin, bears to the amount of the State taxes of the same Towns respectively for the same year, to be applied to uses similar to those for which the said funds were originally intended; and the said Town of Franklin shall also in the same proportion pay their part of all the debts existing against either of the aforesaid Towns at the time of the passage of this act. And also in the same proportion shall pay their part of all the existing expense of maintaining and supporting the paupers now supported by said towns, providing that the full share of said expense does not fall to said Town of Franklin by the provisions of this bill and the existing laws. And the right or interest which any person or School District now has in any School House or land whereon a School House is erected, shall not be affected by this act.

Section 4. And be it further enacted, That the said Town of Franklin and every part thereof shall be and hereby is annexed to the County of Merrimack, and shall be considered as part of said County, and that said Town be annexed to the Senatorial District Number four Hillsborough Counsellor District, and to the twenty first Regiment of Militia in this State.

[CHAPTER 63.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE
 NORTH BARNSTEAD SACRED MUSIC SOCIETY.

[Approved December 24, 1828. Acts, vol. 26, p. 103.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That William Walker Jr. Thomas P Hodgdon, Samuel P. Peavy and their associates be and hereby are made a Corporation by the name of the North Barnstead Sacred Music Society and by that name may sue and be sued, prosecute and defend to final judgment and execution, and may make and establish by laws for the government of the Corporation not repugnant to the Constitution and laws of this State.

Section 2. And be it further enacted, That said Corporation may receive hold and transfer any estate the annual income of which shall not exceed one hundred dollars.

Section 3. And be it further enacted, That the persons before named or either two of them may call the first meeting of said Corporation by posting up a notification expressing the time, place and design of said meeting at the North Meeting House in the Town of Barnstead at least ten days before the day of holding the same.

[CHAPTER 64.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT IN ADDITION TO
 AN ACT, ENTITLED AN ACT DIRECTING THE PROCEEDINGS AGAINST
 THE TRUSTEES OF ABSCONDING DEBTORS."

[Approved December 24, 1828. Acts, vol. 26, p. 105. Session Laws, 1828, Chap. 64. See acts of February 12, 1791, Laws of New Hampshire, vol. 5, p. 678; July 2, 1825, *ante*, p. 469; July 3, 1829, Session Laws, 1829, Chap. 47; June 28, 1834, *id.*, 1834, Chap. 163; June 24, 1835, *id.*, 1835, Chap. 218, and June 30, 1841, *id.*, 1841, Chap. 601.]

Be it enacted by the Senate and House of Representatives in General Court convened, That when any trustee process shall be brought before any Justice of the Peace agreeably to the provisions of the act to which this is an addition, the person or party summoned as trustee shall not be held liable to appear or answer in said process unless the place appointed for the return and hearing

of the same shall be within the town where such party so summoned as trustee shall reside—any thing in said act to the contrary notwithstanding.

[CHAPTER 65.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE SOUTH CENTRAL SOCIAL LIBRARY IN SUTTON.

[Approved December 24, 1828. Acts, vol. 26, p. 106.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That John Pillsbury, Edward Dodge, Daniel Carr their Associates and Successors are hereby made a Corporation by the name of the Proprietors of the South Central Social Library in Sutton, with power to hold personal estate not exceeding one thousand dollars in value for the support of said Library and with all the powers incident to Corporations of a similar nature.

Section 2. And be it further enacted, That John Pillsbury Edward Dodge and Daniel Carr or either two of them may call the first meeting of said Corporation by posting up a notice thereof at two public places in the town of Sutton at least ten days prior to the time of holding the same.

[CHAPTER 66.]

State of }
New Hampshire. }

AN ACT FOR THE MORE SPEEDY RECOVERY OF SMALL DEBTS.

[Approved December 25, 1828. Acts, vol. 26, p. 107. Session Laws, 1828, Chap. 66. Laws, 1830 ed., p. 57. This act repeals acts of June 28, 1787, Laws of New Hampshire, vol. 5, p. 265; December 16, 1796, id., vol. 6, p. 380, and December 20, 1808, id., vol. 7, p. 730. See also acts of November 9, 1785, id., vol. 5, p. 101, and June 28, 1787, id., p. 268. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That any person or persons may voluntarily appear before any Justice of the Peace in the County where he, she or they live, and confess that he, she or they do justly owe and stand indebted to any other person or persons, in any sum not exceeding two hundred dollars, and consent that a

record thereof be made, and execution issue accordingly or be stayed for such term as may be agreed by the parties; and the Justice is hereby authorized and directed to make a fair record of such confession and agreement and to order the person or persons so confessing, and likewise the creditor or his agent to sign the same, and he shall enter up judgment on the same confession and issue execution according to such judgment. And such justice shall enter on the evidence of the demand the sum for which judgment was confessed together with the time and place of doing the same and keep such evidence in a proper file.

Section 2. And be it further enacted, That such execution may be served in the same manner within the same County as executions issued on judgments of the Court of Common Pleas may by law be served.

Section 3. And be it further enacted, That any two or more persons having a controversy between them of two hundred dollars value or under, may apply to a Justice of the Peace and enter into a rule to refer the same to such person or persons as they may choose. And the said Justice is hereby empowered to receive the report of such referees, enter up judgment thereon, and issue execution for the damages and costs of suit. Provided the damages do not exceed the sum of two hundred dollars, which report being received and judgment entered thereon as aforesaid, the same shall be final and conclusive between the parties

Section 4. And be it further enacted, That an act entitled "an act for the more speedy recovery of small debts and to save the cost usually attending the recovery thereof in the present course of the law," passed on the twenty eighth day of June A.D. 1787, an act entitled "an act in addition to an act entitled an act for the more speedy recovery of small debts and to save cost usually attending the recovery thereof in the present course of law passed on the sixteenth day of December A.D. 1796. And an act entitled "an act in addition to an act entitled an act for the more speedy recovery of small debts and to save the cost usually attending the recovery thereof in the present course of the law" passed December 20th A.D. 1808 be, and the same hereby are repealed.

[CHAPTER 67.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE ACADEMIC SCHOOL IN CONWAY.

[Approved December 25, 1828. Acts, vol. 26, p. 111. See also act of July 17, 1876, Session Laws, 1872-76, p. 669.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Chadbourne, Samuel Willey, John L. Martin, Elijah F. Densmore, Jeremiah L. Eastman, Isaac Merrill, Gilbert Mc.Millan, Elijah Densmore, and those who may hereafter associate with them, be, and they hereby are incorporated and made a body politic by the name of the Proprietors of the Academic School in Conway; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That the said Corporation be, and hereby is authorized and empowered to have, receive and hold in fee simple, or any less estate, by gift, grant or otherwise, any real estate, the annual income of which shall not exceed five hundred dollars, and personal estate not exceeding the sum of ten thousand dollars, and the same may use and employ in the promotion of science and the useful arts; and, for the benefit of said Corporation, may sell, alienate and convey the same at pleasure.

Section 3. And be it further enacted, That the said Academic School shall be located and established in the town of Conway in the County of Strafford.

Section 4. And be it further enacted, That the said School shall be under the care, superintendence and control of a board of Trustees, consisting of not less than three, nor more than five persons, of whom the principal Instructor in said School shall be one, all of whom may, in case the Proprietors deem it expedient, be appointed annually, and continue in office until others shall be appointed in their stead. The Trustees shall have power to appoint and dismiss instructors, and prescribe their duties; ordain and establish orders, rules and regulations for the government of the students; direct the management and application of the funds, and generally control all the concerns of the Institution; subject always to the orders and directions from time to time of the Proprietors.

Section. 5. And be it further enacted. That the said Thomas Chadbourne, Samuel Willey and Gilbert McMillan, or any two of them, may call the first meeting of the Proprietors, at any convenient time and place by posting up a notification for that purpose

at the North Meeting House in said Conway, expressing therein the time, place and design of said meeting, at least fifteen days prior to the day of holding the same, at which, or at any adjournment of said first meeting, the Proprietors may fix the time of their annual meeting, and agree on the manner of calling their annual and occasional meetings; may elect a board of Trustees and any other officers and agents; may make and establish such rules, regulations and by laws, not repugnant to the laws of the State, as they may deem necessary or expedient for the government of the Corporation; may devise means for raising such sum or sums of money as the exigencies of the Institution may require, and do and transact any business in relation to the beneficial designs contemplated by the establishment of this Seminary.

Section 6. And be it further enacted, That the Legislature may at any time hereafter make such alterations and amendments to this act as may be deemed necessary or expedient.

[CHAPTER 68.]

State of }
New Hampshire. }

AN ACT TO REGULATE BAIL IN CIVIL CAUSES.

[Approved December 25, 1828. Acts, vol. 26, p. 115. Session Laws, 1828, Chap. 68. Laws, 1830 ed., p. 495. This act repeals acts of February 15, 1791, Laws of New Hampshire, vol. 5, p. 687; December 15, 1797, id., vol. 6, p. 452, and June 23, 1818, id., vol. 8, p. 688. See also acts of February 21, 1794, id., vol. 6, p. 158, and July 6, 1826, *ante*, p. 531. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that where bail is given upon mesne process, in any civil action, for the appearance of the party to answer the suit and to abide the order or Judgment of the Court that shall be given thereon, every such surety or sureties shall be obliged to satisfy the judgment obtained against the principal, in case of the principal's avoidance, and return of non est inventus upon the execution. And the party for whom the judgment was given, may have a writ of scire facias from the court where the original judgment was rendered against such surety or sureties, and, in case no sufficient cause to the contrary is shewn, shall have judgment thereon against such surety or sureties, for the damages and costs recovered against the principal, with additional costs of suit, and execution shall be granted therefor accordingly. Provided always, That in any suit in the Court of Common Pleas, or in the Superior Court of Judicature, the surety or sureties, at any time before final judgment against the principal, may bring the principal into Court,

and move to be discharged; upon which he shall be discharged; and the court shall order the keeper of the prison to receive him into custody, so that his body may be taken in execution; and his body shall be holden the same time, and in the same manner, as though he had been committed on the mesne process for want of bail.

And provided further, That in any suit in the Court of Common Pleas, or in the Superior Court of Judicature, the surety or sureties may, at any time after the final judgment against the principal, and after scire facias brought against such surety or sureties, bring the principal into court, and move the Court to be discharged; whereupon the Court shall order such surety or sureties to be discharged, such surety or sureties paying down in money to the creditor the costs that may have already arisen in any suit against them. And the Court shall also order the said principal debtor to be committed, that the creditor may take him in execution, and he shall remain in custody of the said prison keeper, unless sooner discharged by the creditor, thirty days. And if the creditor shall not, within the said space of thirty days, take the said debtor in execution, the prison keeper shall discharge him, upon his paying prison charges.

Section 2 And be it further enacted, That no person who shall become bail in any suit, commenced in the Court of Common Pleas or in the Superior Court of Judicature, shall be liable as such on any scire facias, unless the same scire facias shall be served upon him at least fifteen days previous to the second term of the Court where final judgment may be rendered against the principal next after the term when such judgment was rendered.

Section 3. And be it further enacted, That where bail is given upon mesne process in any civil action commenced before any Justice of the Peace, such surety or sureties may at any time before the rendering of the Judgment against the principal, commit the principal to gaol, and upon such surety or sureties producing to said Justice a certificate from the prison keeper, of such commitment, he or they shall be discharged from said suit, and the principal shall be holden the same time and in the same manner as though he had been committed on the mesne process for want of bail.

Section 4 And be it further enacted, That in any suit commenced before a Justice of the Peace, the surety or sureties at any time after final judgment against the principal, and before final judgment against such surety or sureties, may commit the principal to gaol and bring to the said Justice a certificate of such commitment and move to be discharged, the said Justice shall order said surety or sureties to be discharged, such surety or sureties paying to the creditor the costs that may have already arisen in any suit against them. And the prison keeper shall detain the principal thirty days unless he shall be sooner discharged by the creditor.

Section 5. And be it further enacted, That if the damages and costs recovered in any action before any Justice of the Peace wherein bail was given amount to more than thirteen dollars and thirty three cents, the plaintiff is hereby empowered in case of the principal's avoidance, and return of non est inventus upon the execution to bring a scire facias against the surety or sureties in the Court of Common Pleas.

Section 6 And be it further enacted, That no scire facias shall be served upon the bail in any action commenced before a Justice of the Peace, unless it be done within one year next after entering up final judgment against the principal.

Section 7. And be it further enacted, That it shall be lawful for any person who may have become bail, or who may hereafter become bail, for any debtor or other person arrested upon civil process, to commit to the common gaol in the County in which the writ is returnable, or to the common gaol in the County where such arrest was made, the body of the principal debtor for whom he became bail; and the bail so committing the principal shall at the time of such commitment, leave with the Jailor or prison keeper an attested copy of the writ or process whereby the arrest was made, and the officer's return thereon. And such Jailor or prison keeper is hereby authorized and required to receive the person so committed into his custody in the same manner as if he had been committed by the officer making the arrest; and the bail so committing their principal shall be forever discharged from all liabilities on account of becoming bail in such suit. Provided nevertheless that in all cases of commitment as aforesaid, the bail shall within fifteen days from the time of said commitment notify in writing the plaintiff in the original suit, or the attorney who commenced or who appeared in said suit, of the time when, and the place where the principal has been committed. And provided also that no person shall have the benefit of this provision unless he shall have committed his principal as aforesaid before final judgment on scire facias; and if the commitment shall be made after scire facias shall have issued, he shall pay the costs of that suit before he shall be discharged.

Section 8. And be it further enacted, That the creditor in any civil action intending to charge the bail in such action shall deliver his execution to an officer with the name or names, place or places of residence, of the person or persons who became bail in such action and the officer shall at least fifteen days before the return day of said execution, deliver to at least one of the bail in such suit, or leave at his dwelling house, or last and usual place of abode a notice, in writing, stating that such execution is in his hands, the amount of the same and when returnable; and the officer shall keep such execution in his hands until the return day thereof in order that the bail may produce the principal to the officer that he

may arrest him on said execution. And if the bail shall at any time before the return day produce the body of the principal to such officer so that he may arrest him, said bail shall be forever discharged from all liabilities in such action. And no return of non est inventus shall be sufficient to charge the bail, unless the officer also certify on said execution that notice as aforesaid was given to the bail.

Section 9. And be it further enacted, That in all cases where at the time of rendering final judgment against the principal, or at any time afterwards the bail shall surrender the principal in court or commit him to gaol in the manner prescribed by said act, the principal shall remain in the custody of the prison keeper the term of thirty days in order that the creditor may charge him in execution if he so choose, but such prisoner shall not be obliged to remain in close confinement, but may have the liberty of the gaol yard on the same terms and in the same manner as if he had been committed to gaol on the mesne process by the officer who first arrested him.

Section 10. And be it further enacted, That the officer taking bail in any civil action shall insert in his return on such precept, the name and place of abode of the person or persons becoming bail in such suit.

Section 11. And be it further enacted, That an act entitled "an act regulating bail in civil causes" passed on the fifteenth day of February A.D. 1791. an act entitled "an act in addition to an act regulating bail in civil causes," passed on the fifteenth day of December A.D. 1797. and an act entitled "an act in addition to an act entitled an act regulating bail in civil causes" passed on the twenty third day of June A.D. 1818, be and the same hereby are repealed.

[CHAPTER 69.]

State of }
New Hampshire. }

AN ACT ALLOWING A CERTAIN PREMIUM FOR KILLING BEARS.

[Approved December 25, 1828. Acts, vol. 26, p. 123. Session Laws, 1828, Chap. 69. Repealed by act of July 4, 1829, id., 1829, Chap. 63.]

Be it enacted by the Senate and House of Representatives in General Court convened, That if any person shall kill any Bear within this State and shall bring the head of said Bear to the Selectmen of the Town or place in which the same was killed and if there be no Selectmen in the Town or place where the same was killed then to the Selectmen of the Town or place next to the Town or place where the same was killed, and shall prove to the satisfaction of said

Selectmen that the Bear the head of which he hath brought to them was killed by him, or by his means or by any other person whose agent he is, the said Selectmen shall cut off the ears from the head so brought to them as aforesaid or otherwise disfigure it so that it may never be produced for the like purpose again, and the said Selectmen shall give the person so producing the head as aforesaid a receipt for the same and the person receiving the same receipt, on producing it to the Treasurer of this State shall receive out of the Treasury of this State the sum of three dollars for every Bear killed and certified as aforesaid.

[CHAPTER 70.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE THE FALL MOUNTAIN FACTORY COMPANY.

[Approved December 29, 1828. Acts, vol. 26, p. 127. See also act of June 18, 1836, Session Laws, 1836, June session, Private Acts, Chap. 62.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Nathaniel Tucker, William Hall, James J. Cutler, Henry Atkinson Green, Thomas Bellows, Richard D. Tucker, their associates and successors be, and hereby are incorporated and made a body corporate and politic forever, by the name of the Fall Mountain Factory Company; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature.

Section 2. And be it further enacted, That said Corporation be, and hereby is empowered to establish and carry on the manufacture of Cotton and Woolen goods; the making of machinery, and such other branches of business as may be necessarily connected therewith, on or near the easterly bank of Connecticut River in Walpole in the County of Cheshire; and for the purposes aforesaid may purchase and hold real and personal estate, not exceeding in value the sum of one hundred and fifty thousand dollars, and the same may sell and dispose of at pleasure.

Section 3. And be it further enacted, That the said Nathaniel Tucker, William Hall, and James J. Cutler, or any two of them, may call the first meeting of said corporation, by advertising notice thereof in the Bellows Falls Intelligencer, printed in Rockingham in the State of Vermont, at least twenty days prior to the day of holding the same, or, by giving at least ten days personal notice of said meeting to each of the persons herein before named; at which meet-

ing said Corporation may agree on the manner of calling future meetings, and at the same or any subsequent meeting may choose and appoint such officers and servants as may be deemed necessary for conducting the concerns of said Corporation; may divide their joint or capital stock into such number of shares as may be deemed proper and agree upon the manner of transferring them; may order assessments and fix the time for the payment thereof; may pass such by laws, not repugnant to the laws of this State, as may be deemed proper for conducting the concerns of said Corporation. All questions, at any meeting of said Corporation, shall be determined by a majority of the votes of the members present and represented, accounting and allowing one vote to each share, and authority to vote at any such meeting shall be proved by writing signed by the person represented, which writing shall be filed with the Clerk.

Section 4. And be it further enacted, That the shares in said Corporation shall be liable and holden for the payment of all assessments duly made thereon, and upon the nonpayment thereof within the time limited therefor any delinquent share or shares may be sold at public auction, or so many of them as may be necessary to pay such assessments, together with incidental charges, under such regulations as the Corporation in their by laws may prescribe.

Section 5. And it further enacted, That if in five years from the passing hereof the manufacture of cotton or woollen goods shall not have been commenced under the provisions of this act, then this act shall be null and void.

Section 6. And be it further enacted, That this act shall not be so construed as to give to the Corporation any power to prevent the building of any canal which may hereafter be constructed by authority from this State.

[CHAPTER 71.]

State of)
New Hampshire. }

AN ACT PROVIDING FOR THE APPOINTMENT, AND DEFINING THE POWERS OF COMMISSIONERS OF GAOL DELIVERY.

[Approved December 29, 1828. Acts, vol. 26, p. 131. Session Laws, 1828, Chap. 71. Laws, 1830 ed., p. 480. See also act of January 2, 1829, *post*. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there shall be appointed by the Governor and Council in each County in this State three

suitable persons who shall be styled Commissioners of Gaol delivery, who shall be Commissioned as such for the term of five years—

Section 2. And be it further enacted, That any two of said Commissioners, duly appointed and qualified, shall have within their respective Counties all the powers and authority which now, are or hereafter may be, vested in any two Justices of the Superior Court of Judicature or Court of Common Pleas to administer the oath or affirmation prescribed by law to any person imprisoned on execution and who may be entitled to take the same; and either of the Commissioners applied to may make all necessary orders and do all things in relation to the application and discharge of any person so imprisoned in as full and ample manner as any Justice of the Superior Court of Judicature or Court of Common Pleas may or can do.

[CHAPTER 72.]

State of }
New Hampshire. }

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN NAMED.

[Approved December 29, 1828. Acts, vol. 26, p. 133. Session Laws, 1828, Chap. 72.]

Be it enacted by the Senate and House of Representatives in General Court convened, That, from and after the passage of this act the several persons herein named shall be called and known by the names which by this act they are respectively allowed to assume, viz, that John Brown of Seabrook may take the name of John Perkins Brown; that Solon Stanly of Hopkinton may take the name of Solon Walter Stanly; that Gideon Walker Jr. of Portsmouth may take the name of Gideon W. Walker; That Enos Flanders of Danbury may take the name of Samuel E. Flanders; That Joseph Frost 3^d of Marlborough, may take the name of Joseph Perry Frost; That James Graves of Tuftonborough may take the name of James Gilman, and that Mercy H. Graves, wife of said James Graves, may be called Mercy H. Gilman, that John Caverly Graves son of the aforesaid James Graves, may take the name of John Caverly Gilman, that Edward Varney Caverly Graves son of said James Graves may take the name of Edward Varney Caverly Gilman, that James Madison Graves, son of said James Graves may take the name of James Madison Gilman. And the several persons herein named, shall hereafter be called and known by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[CHAPTER 73.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE FRANCONIA TURNPIKE CORPORATION.

[Approved December 29, 1828. Acts, vol. 26, p. 135. Session Laws, 1828 (Appendix), Chap. 73.]

Sec. 1st. Be it enacted by the Senate and House of Representatives in General Court convened, that William Webster, David M. Russell, John Rogers, William Quimby, & Jonas Richardson and their associates and successors, be and they hereby are incorporated and made a body corporate and politic forever under the name of the Franconia Turnpike Corporation and in that name may sue and prosecute and be sued and prosecuted unto final judgment and execution; and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Sec. 2. And be it further enacted that the said William Webster, David M. Russell and Jonas Richardson or any two of them, shall call a meeting of said Corporation, to be holden at any suitable time and place by posting up notifications, one at least in some public place in the towns of Franconia and Plymouth at least fourteen days before the time of holding said meeting expressing the time place and design of said meeting. And the proprietors by a majority present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk who shall be sworn to the faithful discharge of the duties of his office and shall agree on a method of calling future meetings; and at the same meeting or at any subsequent meeting may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid; and for collecting the tolls and duties herein after established; and the same by laws may cause to be executed and annex penalties to the breach thereof, provided said rules and by laws are not repugnant to the constitution and laws of this state; and all representations at any meeting shall be proved by a writing signed by the person to be represented which shall be filed by the clerk and recorded in a book or books provided and kept for that purpose

Sec. 3. And be it further enacted, that said corporation are hereby empowered, to lay out make and keep in repair a Turnpike road of four rods wide, in such route or tract, as shall be, in the best of their judgement for the public good—beginning near the present dwelling house of Jonas Tyler in Franconia, following in the valley

through which the mountain and pond brooks pass. to the fishing pond, thence round said pond, intersecting the road as now travelled, in the most convenient place in the Franconia notch.

Sec 4. And be it further enacted that if said corporation, and the owners of land over which said road may pass shall not agree on the compensation to be made for such land, and shall not agree in appointing persons to ascertain such compensation the justices of the superior Court upon the application of said Corporation, or the owner or owners of the Land reasonable notice having been given to the adverse party of such application, shall appoint a committee who shall ascertain the same, in the same manner as compensation is made to the owners of land for highways, as by law laid out, provided nevertheless that it shall not be lawful for said proprietors to make such road until the damages done the owner or owners of the land through which the same is laid out, is ascertained and paid, or tender thereof made, or security given for the payment of the same to the said owner or owners thereof, to his or their satisfaction

Sec 5. And be it further enacted that the said corporation may erect and fix one such gate upon and across said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said corporation from all persons travelling the same with horses, cattle, carts or carriages.

Sec 6. And be it further enacted, that it shall and may be lawful for said corporation to appoint such and so many toll gatherers as they shall think proper to collect of and from all and every person or persons using said road, the rates of toll herein after mentioned and to stop any person, riding leading or driving any horses, cattle, carts, or carriages, from passing through said gate or turnpike until they shall respectively have paid the same, that is to say for every ten sheep or swine three cents; for every ten neat cattle, horses or mules six cents. for every horse and his rider or led horse six cents, for every sulkey chaise or chair with one horse and two wheels ten cents: for every coach, chariot, stage, phaeton or chaise with two horses and four wheels fifteen cents: for either of the carriages last named with four horses twenty cents.: for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same: for each cart waggon, or other carriage of burden drawn by one beast six cents; for the like carriages drawn by two beasts ten cents; if by more than two beasts six cents for each additional yoke of oxen or pair of horses.; for each pleasure sleigh drawn by one horse ten cents; if drawn by two horses twelve cents; if drawn by more than two horses, three cents for each additional horse, for each sled or sleigh of burden drawn by one horse six cents: if by two horses or one yoke of oxen ten cents: if by more than two horses or one yoke of oxen three cents for each additional pair of horses or yoke of oxen; and at all times when the toll gatherer does not attend his duty the gate shall be left

open; and if any person shall with his carriage, team, cattle or horses turn off the said road to pass the said turnpike gate, or ground adjacent thereto not being a public highway with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay, three times as much as the legal toll would have been, provided that nothing in this act shall extend to entitle said corporation to demand or receive toll of any person who is an inhabitant of the town through which the said road shall pass—nor of any officer or soldier of the militia under arms going to or from the place of duty, nor of any person going to or returning from any funeral that may have occasion to pass said gate.

Sec 7. And be it further enacted, that the said corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said turnpike road, the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and said shares may be sold by said corporation on non payment of assessments duly made agreeably to the by laws of said corporation.

Sec 8. And be it further enacted that said corporation may be indicted for want of repairs of said road after the toll gate is erected, and fined in the same way and manner as towns are by law fineable for suffering highways and bridges to be out of repair, and said fines may be levied on the profits on toll accruing to said corporation, provided that if the said turnpike road shall in any part be the same with any highway now used it shall not be lawful for said corporation to erect any gate or turnpike upon or across that part of said road which is now used as a public highway; anything herein to the contrary notwithstanding.

Sec 9. And be it further enacted, that at the end of every six years after the sitting up of any toll gate upon the road aforesaid, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superior Court for the time being under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed nine per cent per annum the said court may reduce the future rate of toll so far that it may not exceed nine per cent per annum; and if the said profits shall not amount to six per cent per annum, the said court may raise the future tolls so that it shall not be less than six per cent per annum nor more than nine per cent per annum.

Sec 10. And be it further enacted, that if in three years from the passing of this act, the said road and every part thereof, shall not be completed agreeably to the provisions of this act every part and clause thereof shall be null and void. provided also that the state of New Hampshire may at any time after the passing hereof repay to the proprietors of the said road the amount of the sums expended by them thereon with nine per cent per annum in addition

thereto deducting the toll actually received by said corporation; in that case the roads shall to all intents and purposes be the property of the State of New Hampshire. Provided further that the Legislature of this state shall have a right to adopt such measures in future as by them shall be considered necessary or expedient to compel the said proprietors to keep said road in repair

[CHAPTER 74.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF CHARLESTOWN BRIDGE.

[Approved December 29, 1828. Acts, vol. 26, p. 143.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Geo. H. Ingersoll, Hugh Henry, Henry Hubbard, and their associates be, and they hereby are incorporated into a body politic by the name of the proprietors of Charlestown Bridge; and they are hereby invested with all the powers and privileges incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That the proprietors aforesaid are hereby authorised to erect a bridge over Connecticut River at any place in Charlestown, aforesaid, within one mile of the mouth of the brook, which runs into Connecticut River, near the House of Geo. H. Ingersoll; And said proprietors are hereby empowered to purchase lands adjoining said bridge, provided the same does not exceed five acres, and to hold the same in fee simple; And said proprietors shall have the exclusive right of erecting a bridge within the limits aforesaid—

Sec. 3. And be it further enacted. That said proprietors are authorised to take and receive the following rates of toll of all persons passing said bridge. (to wit,) for each foot passenger one cent; for each horse and rider, six cents, horse and Chaise, or sulkey, twelve and one half cents, for each sleigh drawn by one horse, six cents, for each sleigh drawn by more than one horse, twelve cents, for each sled drawn by one horse, six cents, for each sled drawn by two beasts ten cents, for each sled drawn by three beasts, fourteen cents, for each sled drawn by four beasts, eighteen cents; and for all beasts over and above four, three cents each; for each coach, chariot Phaeton, or other four wheeled carriage for pleasure, twenty five cents; for each Curricule fifteen cents; for each cart or other Carriage of burden drawn by one beast, six cents; by two beasts, twelve cents, by three beasts,

fifteen cents, by four beasts, eighteen cents, and for all over and above four, three cents each; for each horse, jack, mule or neat beast, exclusive of those rode on or in Carriages one cent each, And to each team of burden, one person only shall be allowed to pass free of toll, for sheep and swine half a cent each, and at all times when the toll gatherer shall not attend his duty, the gate shall be left open; and the toll gatherer may detain all persons passing said bridge, (except when the gate is left open) until said toll is paid or tendered.—

Sec. 4. And be it further enacted, That Geo. H. Ingersoll, Hugh Henry, and Henry Hubbard, or any two of them, are hereby authorised to call the first meeting of said proprietors, by advertisement in the New Hampshire Sentinel, printed at Keene, three weeks successively, the last advertisement to be fifteen days before said meeting—And the proprietors by a majority of those present or represented at said meeting, which representation shall always be in writing, and signed by the person so represented, allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of his duty, and shall agree on the method of calling future meetings, and at the same time, or at any subsequent meeting, may elect any such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation; And the same by-laws may cause to be executed, and annex penalties to the breach thereof, providing said rules and by-laws are not repugnant to the laws and Constitution of this State: And the said representation shall be filed with the Clerk, and this act and all rules by-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by the Clerk in a book provided and kept for that purpose.—

Sec. 5. And be it further enacted, That said corporation may be indicted and fined for defect of repairs of said bridge after the toll gate is erected, in the same way and manner as towns are for suffering bridges to be out of repair, and any person suffering damage for want of a good safe and sufficient bridge as aforesaid, may have his remedy against said proprietors by an action on the case.—

Sec. 6. And be it further enacted, That if in five years from the passing of this Act, said bridge shall not be completed, this act shall be null and void; And if at any future period said bridge by accident, or any other cause shall be destroyed, or out of repair, and said Corporation shall not within two years from such destruction, erect a new bridge, or repair the old one in such case, this act shall be void.

Sec 7. And be it further enacted, That the shares in said bridge may be transferred by Deed duly acknowledged and recorded by the Clerk of said Corporation in the manner pointed out by the by-laws of said Corporation.—

Sec 8. And be it further enacted, That the Legislature of this State may at any future period after five years, on the petition of any person or persons amend this act, and establish other rates of toll as to them shall seem meet and equitable.

[CHAPTER 75.]

State of }
New Hampshire. }

AN ACT TO DISANNEX ERASTUS GLIDDEN AND JACOB SMITH AND THEIR FARMS FROM THE TOWN OF UNITY AND ANNEX THEM TO CLAREMONT.

[Approved December 29, 1828. Acts, vol. 26, p. 149. Session Laws, 1828, Chap. 75.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Erastus Glidden and Jacob Smith and their farms in Unity in the County of Sullivan, included within the following limits, to wit, beginning at a long stone, being the north-westerly corner of said Unity; thence on the line now dividing said Unity from Claremont, south seventy six degrees east, two hundred and six rods to a long stone; thence South seventeen degrees west one hundred five and a half rods to a stake with stones about it; thence west twenty three rods to a beach tree; thence South half a degree east, one hundred seventy four rods to a stake with stones about it; thence north eighty nine and a half degrees west, two hundred forty seven rods to the easterly line of Charlestown to a stake with stones about it, and thence on said line of Charlestown north seventeen degrees east, three hundred thirty two rods to the place of beginning, be and the same hereby are disannexed from said town of Unity and annexed to, and become a part of the town of Claremont in said County. And the said Erastus Glidden and Jacob Smith, and all other persons who now or may hereafter inhabit the tract of land before described shall be entiled to and enjoy the same privileges and be subject to the same liabilities as the other inhabitants of said Claremont enjoy or are liable to.

[CHAPTER 76.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE EAST KINGSTON UNION LIBRARY.

[Approved December 29, 1828. Acts, vol. 26, p. 151.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Jonathan Bailey, John Philbrick, David P Goodhue, their associates and successors, are hereby made a Corporation by the name of the Proprietors of the East Kingston Union Library, with power to hold personal Estate not exceeding one thousand dollars in value for the support of said Library, and with all other powers incident to Corporations of a similar nature.

Section 2. And be it further enacted that Jonathan Bailey, John Philbrick, David P. Goodhue, or either two of them may call the first meeting of said Corporation by posting up a notice at the meeting house in East Kingston, at least ten days prior to the time of holding the same.

[CHAPTER 77.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT REGULATING SCALE BEAMS, STEEL YARDS, WEIGHTS AND MEASURES.

[Approved December 29, 1828. Acts, vol. 26, p. 153. Session Laws, 1828, Chap. 77. Laws, 1830 ed., p. 224. The act referred to is probably dated December 15, 1797, Laws of New Hampshire, vol. 6, p. 444. See also acts of June 20, 1798, id., p. 493; December 27, 1798, id., p. 542, and December 30, 1799, id., p. 620. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That, from and after the first day of April next, the basket, or other measure, by which charcoal shall be measured and sold, shall not be less in its average diameter then twenty inches, and of a depth sufficient to contain eighteen gallons level measure, and be accounted two bushels or one strike: And no measure other than aforesaid shall be used in the sale and delivery of charcoal, nor until such measure shall have been viewed, proved and sealed in the manner prescribed for other measures in the act to

which this in addition. And any person offending against the provisions of this act shall be subject to the penalties provided in the fifth section of the act to which this in addition; and such penalties shall be recovered and applied in the manner therein provided.

[CHAPTER 78.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE CONNECTICUT RIVER CANAL COMPANY.

[Approved December 30, 1828. Acts, vol. 26, p. 159. Session Laws, 1828, Chap. 78.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Richard Kimball, Elias Lyman, Amos A. Brewster, Francis Goodhue, Henry Hubbard, Allen Wardner, their Associates, and those who may hereafter become their associates, successors and assigns, be, and they hereby are, incorporated and made a body corporate and politic forever, under the name and style of the Connecticut River Canal Company; and in, and by, that name may sue and be sued, prosecute and be prosecuted to final judgment and execution; may make contracts; and for the purposes of this act, may purchase and hold lands and other real estate not to exceed in value five hundred thousand dollars, and the same alienate, sell and convey; may have and use a common seal, and the same alter and renew at pleasure, may make, ordain and establish such rules, regulations and by laws, from time to time, as shall be necessary or convenient for the government of said Corporation, and for the preservation and due management of said Canal, and the other property which shall or may belong to said Corporation; and the same rules, regulations and by laws may cause to be duly executed, provided they are not repugnant to the Constitution and laws of this State, and may annex penalties to the breach thereof, not exceeding ten dollars for any one offence; and appoint such officers and agents as shall be necessary. The stock of said Corporation may amount to such sum or sums of money as shall be necessary to carry into complete effect the entire object of said Corporation; and shall be divided into shares of one hundred dollars each, which shares shall be transferable in such manner and form as shall be prescribed by the by laws of said Corporation, and be considered and treated as personal property, and all the powers incident to and necessary to carry into effect the object of this Incorporation, are hereby vested in said Corporation: Provided always, that the Legislature of this State may at any time modify or annul any by laws, rules or regulations made as aforesaid.

Section 2. And be it further enacted, That said Corporation may, and the same is hereby authorized to locate, construct and fully complete a navigable canal, with locks tow paths, basins, wharves, dams, embankments, toll houses, and other necessary appendages, commencing at some convenient point on the South line of this State in the town of Hinsdale, and extending northerly on or near the banks of Connecticut river, as far north as the mouth of Israel's river. Provided always, that if it shall be found necessary for the convenience of making and constructing said Canal and of its greater security when made, to cross Connecticut river, and locate a part of said Canal within the limits of the State of Vermont, such location shall in no wise impair or prejudice this grant in relation to that part thereof which shall or may be located within the jurisdiction of this State, Provided however that no greater rate of toll shall be charged to the citizens of this State for navigating any portion of said Canal which may be located in the State of Vermont, than is by this act authorized to be charged on that part thereof located within this State. And said Corporation may use as reservoirs or feeders, for the purpose of supplying with water said Canal, and such works as may have any portion of their water diverted from them to supply said Canal, the different ponds, rivers and streams of water near, or over which said Canal may pass; and shall have power to connect with said Canal by feeders or navigable Canals, any of said ponds, rivers, streams and reservoirs. And said Canal shall be not less than thirty four feet wide at the surface, of the water, twenty feet wide at the bottom, and four feet deep; and the locks of such length, not less than eighty feet in the clear, and of such width, not less than twelve feet, that boats which can conveniently navigate Connecticut river may float and pass through the same. And said Corporation shall make and complete said Canal, and construct all the necessary locks, aqueducts, culverts, dams, waste weirs, tow paths, berm and toll houses thereon within the term of ten years next after the passing of this act: Provided however, that all damages which any person or persons corporation or corporations, may sustain by the construction of said Canal, reservoirs or feeders, or any of said works authorized by the provisions of this act, shall be paid and satisfied by said Corporation, in manner as is herein after provided. Provided also, that nothing in this act contained shall authorize or empower said Corporation to obstruct or impede the free passage of boats, rafts or other craft, up and down Connecticut river, or the ponds, locks, canals and other works which have been or shall hereafter be made for the improvement of the navigation of said river under the authority of grants already made, or in any way interfere with or infringe upon the rights or privileges of any Company heretofore incorporated by this State for that purpose; nor shall any thing in this act prevent or restrain this State from making, or authorizing others to make such locks, Canals and other

works as may be deemed necessary for the improvement of the navigation of said river, whenever the public good may require it; provided such future grants shall not authorize the erection of such works as will obstruct or impede the free navigation of the Canal hereby authorized to be made, or in any way injuriously and materially interfere with the works necessarily connected therewith. And provided further, that the right and authority are hereby expressly reserved to the Legislature, whenever they may deem it expedient, to make, or empower others to make and keep in repair, at such place or places as the Legislature may designate, a side Canal or Canals, and locks and other works for the purpose of connecting the boat navigation of said main Canal with the boat navigation of said river, with the right of taking sufficient water from said main canal to feed and supply said connecting Canal and locks. And this State shall have the right at any time hereafter, when the publick good shall require it, to intersect, or to authorize others to intersect said main Canal with railways, or lateral canals from the interior towns in this State, so that they shall have convenient access for their trade and business to said main Canal.

Section 3 And be it further enacted, That at some suitable and convenient point below the mouth of the Ashuelot river in Hinsdale, and above the north line of the State of Massachusetts to be designated by the Commissioners to be appointed as hereinafter provided, said Company shall cause to be made and kept in good repair a side canal and locks, and whatever other works shall be needful to connect the navigation of the main Canal by this act authorized, with the navigation of Connecticut river; and said connecting Canal, locks and other works shall be of such dimensions and so constructed and maintained, that all boats and other floats which can pass along in the main canal, and through the locks of the same, may freely, conveniently and without delay, at the pleasure of the owner or person having charge of such boat or float, be floated from and out of said main canal into Connecticut river, or from said River into said main canal. Provided that said Company shall have a right to collect for all boats, floats, persons or things passing through said connecting canal and locks, an extra toll which shall not exceed the tolls in this act allowed for similar boats, floats persons and things passing one mile on said main Canal.

Section 4. And be it further enacted, That if at any time after said canal or any of its branches or feeders are located, any unforeseen obstacles, impediments or inconveniences occur on the route located, the said Corporation shall have power to deviate from the course marked out, so far, and in such manner as to avoid such obstacles or inconveniences; and in all cases where any road or public highway is so located that the said Canal cannot be judiciously laid out, or made without interfering therewith, said Corporation may cause such road or highway to be so shifted and altered as that said

Canal may be made on the best scite or ground, the Corporation putting said new road in as good repair as the old one was at the time of such alteration, and satisfying all damages which may be occasioned by such alteration, or deviation in manner herein after provided; but all such deviations or alterations in the location of said Canal shall be made within the time limited in this act for the completing thereof and not after.

Section 5 And be it further enacted, That the said Corporation shall build and keep in repair suitable and convenient bridges over said Canal in all places where the same shall pass any highway or road; and such other bridges over said Canal for the accommodation of such persons or Corporations as may own land on either side of said Canal at such place or places, and of such dimensions as the Commissioners under this act may direct.

Section 6. And be it further enacted, That the said Corporation may collect toll on all boats navigating said Canal, and on all passengers conveyed thereon, and on every description of property or thing transported on said Canal, whenever and as soon as said Canal, or any twelve miles thereof, and the connecting canal herein required to be made by said Corporation, shall be made and completed, and the waters let in for use; which toll shall be estimated for each miles transportation on said Canal and shall not exceed the following rates, to wit, on each boat used principally for the transportation of property carrying less than twenty tons, per mile, one cent; on each boat of the same kind carrying more than twenty tons, per mile, one cent five mills; on each boat used principally for the transportation of persons, per mile, ten cents, and on each passenger conveyed therein, three mills; on each passenger conveyed in freight boats per mile, three mills, on salt, gypsum, stone, slate, sand, bricks, lime, heading, hoop poles, split lath, and mineral coal, per ton, per mile, one cent, on iron, cotton, domestic spirits, pot and pearl ashes, flour, beef, pork, and all agricultural productions, and all articles not enumerated which may be carried towards tide water, per ton, per mile, one cent five mills; on boards and all sawed stuff computed at inch measure, if conveyed in boats, per thousand feet, per mile, one cent five mills; on the same if transported in rafts, per thousand feet per mile, two cents; on shingles, if conveyed in boats or rafts, per thousand, per mile, three mills; on timber, square or round, if conveyed in boats, for every hundred solid feet, per mile, one cent five mills; on the same, if transported in rafts, for every hundred solid feet, per mile, two cents five mills, on wood for fuel, if conveyed in boats, per cord, per mile, one cent; on the same, if in rafts per cord, per mile, two cents, and on all articles not enumerated going from tide water, per ton, per mile, three cents. Each ton mentioned in the foregoing rates to be computed by weight. Provided, that no greater rates of toll, in proportion to the distance passed, shall be charged or taken by said Corporation for

boats or other floats navigating said Canal, or for persons or things transported thereon, which shall enter into or proceed from the main Canal, through any connecting canal or rail way, than the tolls charged and bona fide taken and retained for like boats, floats, persons or things proceeding through the whole extent of the canal authorized by this act. And provided that the Legislature shall have a right to alter the rates of toll at any time after thirty years from the passing of this act. And all collectors duly appointed by said Corporation may, at the proper place or places for collecting toll, or transit duties, stop, and detain all boats, rafts and other property floating on said Canal, until the boatman, or person having charge thereof, or the owner thereof, shall pay the full amount of toll and transit duties due to said Corporation.

Section 7. And be it further enacted, That if any person shall wantonly and unnecessarily open or shut, or cause to be opened or shut any lock or gate, so that damage shall ensue thereby; or, if any person shall wilfully and maliciously obstruct or impede any boat, raft or other thing in said locks or canal, or in navigating the same; or, shall destroy or injure any part of said Canal, its locks, dams, tow paths, aqueducts, or culverts, or its branches, feeders, or reservoirs, or any part thereof; or, any of the works appertaining thereto, or any materials to be used in the construction thereof, he she or they, or any person or persons aiding, assisting, or abetting such trespass, shall forfeit and pay to said Corporation for every such offence, a sum not exceeding thirty five dollars, together with treble such damages as shall be proved before the Justice, Court or Jury before which the trial shall be had, to be sued for and recovered before any Justice of the Peace, or Court proper to try the same, in the County where such offence shall have been committed, in the name of the Treasurer of said Corporation, or of such other officer as they shall authorize, to the use of said Corporation. And such offender or offenders, for any offences contrary to the above provisions of this act, shall be liable to indictment by the Grand Jury of the County wherein the offence shall have been committed, and on conviction thereof in the Superior Court of Judicature, to be holden in said County, shall pay a fine not exceeding five hundred dollars, nor less than thirty dollars, to the use of said County, or may be imprisoned for a time not exceeding three years, at the discretion of the Court before which the conviction may be had. And all forfeitures and penalties under this act, or for the violation of any of the by-laws, rules or regulations of said Corporation, may in like manner be sued and recovered in the name of the Treasurer of said Corporation, or such other officer as they shall authorize, to the use of said Corporation, before any Justice of the Peace, or any Court proper to try the same in the County wherein said penalty shall accrue. And said Corporation shall cause all such by laws, rules and regulations, to the breach of which penalties are affixed, to be

printed, and a copy thereof to be placed in some conspicuous situation at each toll house, and if any person or persons shall wantonly or maliciously mar, deface or pull down any copy so set up, said Corporation may sue for and recover to their own use of such person or persons before any Court proper to try the same, a sum not exceeding five dollars.

Section 8. And be it further enacted, That, before said Corporation shall enter upon any lands, or take possession of any streams, ponds, or other bodies of water, by virtue of the provisions of this act, three judicious, disinterested persons shall be appointed by the Justices of the Superior Court of Judicature as a board of Commissioners, whose duty it shall be to consider and adjust all claims for damages made upon said Corporation by any person or persons, Corporation or corporations, who by the provisions of this act may or shall be entitled to damages. And said Corporation shall give such notice of their intention to apply for the appointment of such Commissioners as the Justices of said Court shall direct or deem sufficient. And the Clerk of said Court shall make a record of the appointment of such Commissioners, and all subsequent appointments which may be made to fill vacancies which may be occasioned in said Board, said Commissioners shall severally be sworn to a faithful discharge of their duty; shall keep a full and true account of all their proceedings; and any two of them shall constitute a quorum for doing business, and shall receive from said Corporation a just and reasonable compensation for their expenses and services, to be prescribed by said Court, and shall severally hold their offices for the term of five years, unless the same shall sooner be vacated by death, resignation or removal. And if any Commissioner shall become a stockholder in said Corporation, he shall be removed by said Court, as well as for any other sufficient cause, shown to said Court by said Corporation, or by any individual person, and another Commissioner shall be appointed in his stead. And said Board of Commissioners shall, before considering or deciding upon any claim for damages made as aforesaid, give due notice in such manner as shall be directed by said Court, to all the parties interested, or to their agent or attorney, of the time and place of considering the same; and if either party, having been notified as aforesaid, shall neglect to attend, said Commissioners may proceed ex parte, and make such award as to them shall seem just, taking into view the benefit as well as the injury which may accrue to the complaining party. And said Corporation may tender in money the damages so assessed by said Commissioners to the person or persons, Corporation or Corporations, whose property or rights have been taken or injured; and shall thereupon have a right to enter upon, and forever hold, use and possess any land, or other property, right or privilege for which compensation has been awarded and tendered in manner aforesaid. And in all cases where

damages shall be assessed in pursuance of this act, if said Corporation shall neglect to pay or tender to the person or persons to whom such damages shall be awarded, or to the guardian, husband, agent or attorney of such person, the amount of such damages within six months after such award shall be made, except an appeal be entered, and in that case, within three months after judgment entered, all right of said Corporation to such property, then appraised, shall cease, unless they shall purchase the same of the owner thereof: Provided however that when either of the parties shall feel aggrieved by any assessment of damages made by said Commissioners, the party so aggrieved may, at any time within thirty days after notice of such assessment, appeal to the Superior Court of Judicature next to be holden within and for the County in which such property, right or privilege is situated, which Court shall decide thereon, and tax cost for either or neither party, as to said Court shall seem just; and the party making such appeal shall cause a written notification thereof, signed by or in behalf of such party, and by one or more of said Commissioners, to be forthwith lodged with the Clerk of said Court; and shall also cause a copy of such notification to be left with the adverse party, his or her known agent or attorney, husband or guardian, as the case may be, when the appeal is taken by said Corporation, or, with a Director, or Clerk of said Corporation when the appeal is taken by a party claiming damages from said Corporation. Provided further, that either party on said appeal, shall be entitled to a trial by Jury, whose verdict with judgment rendered thereon shall be final and conclusive.

Section 9. And be it further enacted, That said Corporation for the purpose of raising the funds authorized by this act, for the accomplishment of the objects aforesaid, may as soon as it shall see fit after the passing of this act, and from time to time thereafter as it may become necessary, and until sufficient funds shall be obtained, open books at some suitable place or places, wherein subscriptions may be entered for the capital stock of said Corporation; of the time and place of opening books for subscription to said stock, such notice shall be given as shall be directed by the by laws of said Corporation; each share to be of the amount of one hundred dollars, and each subscriber to be a member of said Corporation for all purposes, and as soon as five hundred thousand dollars shall have been subscribed, the Corporation may be organized in manner following, to wit: The persons named in this act, or any four of them, may make application to one of the Justices of the Superior Court of Judicature, requesting him to call a meeting of the Stockholders, to be holden at Charlestown in the County of Sullivan; whereupon said Justice may issue his warrant, to any one of said applicants, directing him to notify the stockholders to meet at said Charlestown, at such time as said Justice may therein appoint, to do and

transact all such matters and things as may or shall be necessary for the well ordering or management of the concerns of said Corporation; and the individual to whom such warrant shall be directed, shall give notice of such meeting by causing such warrant to be published in one or more newspapers printed in each of the following towns, to wit—Haverhill and Keene in the State of New Hampshire, Windsor and Brattleborough in the State of Vermont, North Hampton and Westfield in the Commonwealth of Massachusetts, and Hartford and New Haven in the State of Connecticut, and such other papers as said Corporation shall direct: which publications shall be at least thirty days previous to said meeting. And said Stockholders may at said meeting, or at any subsequent meeting, choose a board of Directors, a Clerk, Treasurer, and such other officers as they shall judge necessary for regulating and managing the affairs of said Corporation. And every member shall have a right to vote at said meeting and at all other meetings by himself, or proxy duly authorized in writing, each share entitling the owner thereof to one vote.

Section 10. And be it further enacted, That the said Corporation, or board of Directors being duly authorized by the Corporation, may from time to time to time order the payment of such instalment or instalments on the shares of the stockholders as shall be necessary to construct and complete said Canal, and the other works connected therewith, giving such notice thereof as shall be directed by the by laws of the Corporation; and if any stockholders shall neglect or refuse to pay his instalment for the space of sixty days, after the same shall have become due, the Corporation, or any person by them duly authorized for that purpose, may, after giving such notice thereof as the by laws may require, make sale of such share or shares, at public auction, to the highest bidder, and the same shall be transferred to the purchaser by the Treasurer in manner herein after provided, and such delinquent stockholder shall be holden accountable to the Corporation for the balance due on his share or shares, in case said share or shares shall be sold for less than the amount which shall be due thereon, and shall be entitled to the surplus, if any there be, beyond the amount of instalments so as aforesaid due thereon. But no instalment shall be made so as to render a stockholder liable to pay more than one hundred dollars on a share.

Section 11. And be it further enacted, That all transfers of any share or shares shall be made on the books of said Corporation, and in such form and manner as shall be directed by the by-laws of the Corporation; but no transfer shall be made for less than one whole share. And the Treasurer is authorized to made transfers in like manner of all shares sold under the provisions of this act for non payment of instalments.

Section 12. And be it further enacted, That all expenses that

have been or shall be incurred in procuring the inspection, examination and survey of the location of said Canal, and the act of incorporation, or that shall be incurred in procuring subscriptions to the stock, shall be repaid out of the first instalment, and entered in the books of the Corporation, and become a part of the capital stock.

Section 13. And whereas the said Canal, if completed, will be of great public utility: therefore, for the purpose of inducing persons to subscribe to the stock of said Corporation—Be it further enacted, That the stock of said Corporation shall be exempt from all public taxes until the annual income therefrom shall be sufficient to pay the annual and necessary expenses of repairs, and to the Stockholders six per cent on their capital: Provided however that this Section shall not continue in force for a longer time than thirty years from the passing of this act.

Section 14 And Be it further enacted, That if said Corporation shall not in the space of five years next after the passing of this act make and complete said Canal so as that the same shall be navigable from the South line of this State as far north as the village of Brattleborough in the State of Vermont and also the connecting canal herein required to be made, then in that case all the rights, powers and privileges granted by this act shall cease and determine: And in said case said Canal shall be made and completed from said South line of this State to said Village of Brattleborough, within said term of five years, and said Corporation shall not in each succeeding year thereafter make and complete twelve miles of said Canal, and in five years the whole extent thereof to its northern termination by this act, then all the rights powers and privileges granted by this act to make and construct said Canal shall cease and determine, except as to that part and portion thereof which shall have been actually made and completed which shall vest in and become the property of said Corporation under this act.

Section 15. And be it further enacted, That this act shall be taken and deemed to be a public act and the Canal hereby granted, be, and the same hereby is declared a public way for all the Citizens of this State and others to pass and repass thereon with their boats rafts and other craft under such by laws rules and regulations as are herein before authorized to be made, and said Corporation shall at all times keep in sufficient repair said Canal and other works, and shall provide suitable persons to tend the locks so that boats, rafts or other craft navigating said Canal shall not be subject to any unnecessary delay, and for any unreasonable neglect so to do said Corporation shall be subjected to the payment of any damages which the owner or owners of any property passing through said Canal or locks may sustain by reason of any unnecessary detention or through the carelessness neglect or misconduct of the said Corporation, their Servants or Agents.

[CHAPTER 79.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE
PRESIDENT, DIRECTORS AND COMPANY OF THE MANUFACTURERS
BANK.

[Approved December 30, 1828. Acts, vol. 26, p. 181.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Charles Barrett, Henry Isaacs, Silas Bullard, Stephen Wheeler, George F. Farley, Sampson Fletcher, John Stevens and their associates, and those who may hereafter become associates in said Bank, their successors and assigns, be, and they hereby are created and made a Corporation by the name of the President, Directors and Company of the Manufacturers' Bank; and shall so continue until the first day of January which will be in the year of our Lord one thousand eight hundred and forty nine; and by that name shall be, and hereby are, made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any Court of record, or any other place whatever; and also, to make, have and use a common seal, and the same at pleasure to break, alter or renew; also to ordain, establish and put in execution, such by laws, ordinances and regulations, not repugnant to the laws of the State as to them shall seem necessary and convenient for their regulation and government, and for the prudent management of the affairs of said Corporation, subject always to the rules, restrictions, regulations and provisions herein after prescribed.

Section 2. And be it further enacted, That the capital or joint stock of said Corporation shall consist of a sum not less than one hundred thousand dollars, nor more than two hundred thousand dollars in specie, and shall be divided into one thousand shares; and the stockholders shall at their first meeting, or at an adjournment thereof, by a majority of votes, determine the amount of payments to be made on each share, and the time when and place where they shall be made; and also, the manner of transferring and disposing of the stock and the profits thereof, which, being entered on the books of said Corporation, shall be binding on the stockholders, their successors and assigns: Provided, that no stockholder shall be allowed to borrow at said Bank until he shall have paid his full proportion of said sum of one hundred thousand dollars at least; Provided also, that no stockholder shall in any case be allowed to borrow more than fifty per cent on his capital stock so paid in. And the said corporation is hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain

to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars and no more at any one time, with power to bargain, sell, dispose of and convey the same; and to loan and negotiate their moneys and effects by discounting on banking principles on such personal security as they shall think advisable.

Section 3. And be it further enacted, That the following rules, restrictions, limitations and provisions, shall form, and be the fundamental articles of said Corporation.

1. That the said Corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than the amount of the capital stock actually paid in at such time and then composing the capital stock of said Bank. And in case any Cashier, Director, or other Officer of said Bank, at any time, shall knowingly issue, order direct or cause to be issued and put in circulation, bills, notes or obligations of said Bank, which, together with those before issued and then in circulation, shall exceed the amount of the capital stock of said Bank as aforesaid, such Cashier, Director or other officer, shall forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars.

2. That dividends may be made semiannually among the Stockholders of said Bank of interest or profits actually received; but no part of the capital stock of said Bank shall be divided among, or paid to the stockholders, either before or after the expiration of the time limited by this act for the continuance of said Corporation, without the license of the Legislature of this State therefor, on penalty that any Cashier, Director or other Officer, who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars: Provided nevertheless, that it shall be lawful for the Stockholders, after having given one year's previous notice of their intention, by advertisement in two newspapers published in this State, and after payment of all outstanding debts due from said Bank, to make division of the capital stock among themselves, and thereby dissolve said Corporation.

3. That in case of a diminution or loss of any portion of the sum composing the capital stock of said Bank by any means whatever, it shall be the duty of the Directors, in their next annual return of the condition of said Bank, by law required to be made, to the Governor and Council, to state the amount of such diminution or loss, and the cause thereof; and after such loss or diminution, no dividend of interest or profit shall be made, until such loss or diminution shall have been replaced or supplied by assessments and actual payments of the Stockholders, or by appropriations therefor of the interest and profit actually received.

4 That said Corporation shall not vest, use nor improve any of their moneys, goods, chattels or effects, in trade or commerce, but may sell all kinds of personal pledges lodged in their possession by way of security, to an amount sufficient to reimburse the sum or sums loaned.

5. That none but a member of said Corporation, being a citizen of this State, and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President; the Cashier, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the board of Directors, in a sum not less than twenty five thousand dollars, with condition for the faithful performance of the duties of his office.

6. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be holden at such place as they shall direct on the first Monday of March, annually, from and after their first meeting, and at any other time during the continuance of said Corporation, at such place as may be appointed by the President and Directors for the time being, by public notice being given at least two weeks prior thereto; at which annual meeting there shall be chosen by ballot seven Directors, to continue in office the year ensuing their election, and until others are chosen in their stead; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion, that is to say, for every one share, one vote, for every two shares above one and not exceeding twenty, one vote; for every three shares above twenty, one vote; provided that no one stockholder shall be entitled to more than fifteen votes. Absent members may vote by proxy, being authorized in writing, signed by the person represented and filed with the Cashier.

7. That no Director shall be entitled to any emolument for his services; but the Stockholders may make the President such compensation as to them shall appear reasonable.

8. That no less than four Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence; in which case the Directors present may choose a chairman for the time being in his stead.

9. That all bills issued from said Bank, signed by the President, and countersigned by the Cashier, shall be binding on the Corporation.

10 That the Directors shall appoint a Cashier, Clerks, and such other agents or servants for conducting the business of the Bank, with such salaries as to them shall seem just and proper.

11. That the aforesaid Bank shall be established and kept in the Town of New Ipswich in the County of Hillsborough.

12. That the Legislature shall at all times have the right, by

persons duly appointed for that purpose, to examine into the state and condition, and all the doings and transactions of said Corporation, and of their officers relating to the same; for which purpose all the books and papers of the Corporation, together with their monies and securities for money shall be exhibited and submitted to the inspection and examination of such persons, so appointed, and each officer shall answer on oath, if required, all suitable and proper interrogatories relating to the state, condition or transactions of said Bank.

Section 4. And be it further enacted, That the said Charles Barret, Henry Isaacs and Stephen Wheeler, or any two of them may call a meeting of the members of said Corporation at such time and place as they may deem proper, by publishing a notice thereof in the Farmers Cabinet printed in Amherst in said County of Hillsborough, at least two weeks prior thereto, for the purpose of making, ordaining and establishing such by laws, ordinances and regulations, as the said members may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose.

Section 5 And be it further enacted, That all penalties incurred for a breach of any of the provisions of this act, may be recovered by information or suit in the name of the State.

Section 6. And be it further enacted, That if said Corporation shall not be organized and in operation, and shall not have actually paid to the Treasurer of this State, on or before the second Wednesday of June, which will be in the year of our Lord one thousand eight hundred and thirty, one half of one per cent on the amount which shall constitute the capital stock of said Bank, agreeably to the provisions of the act to establish a literary fund, to be collected from the several banking corporations in this State, passed June 20, 1821; in that case, this act and every part thereof shall be void and of no effect.

[CHAPTER 80.]

State of)
New Hampshire. }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PROPRIETORS OF THE FIRST FREE BAPTIST MEETING HOUSE IN STRAFFORD.

[Approved December 30, 1828. Acts, vol. 26, p. 189.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Huckins, Andrew N. Hill, Joseph Stiles, John Winkley, James Tuttle and their Associates, proprietors of the First Free Baptist Meeting

House in Strafford, be and hereby are incorporated and made a body corporate and politic by the name of the Proprietors of the First Free Baptist Meeting House in Strafford, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges incident to Corporations of a similar nature.

Section 2. And be it further enacted, That shaid Joseph Huckins, Andrew N. Hill and Joseph Stiles, or any two of them, may call the first meeting of said Corporation by posting up a notice, expressing the time place and design of said meeting, at said meeting house in said Strafford, at least three weeks prior to the day of holding the same. And said Corporation may at the same, or any subsequent meeting, make such by laws not repugnant to the Constitution and laws of the State, and elect and appoint such officers and agents as they may think proper.

Section 3. And be it further enacted, That each member of said Corporation shall be entitled to as many votes as he may, at the time of casting his vote, own pews in said Meeting House, and no more.

Section 4. And be it further enacted, That said Corporation may at any meeting, notified for that purpose, by a majority of the voters present, raise any sum or sums of money, that they may deem necessary for the purpose of repairing said meeting house; and all sums of money raised for the purpose aforesaid, shall be assessed on the pews according to their value, which value shall be determined by a Committee of three persons to be chosen for that purpose by said Corporation, and in case any tax so assessed on the pew or pews of any member of said Corporation, shall remain unpaid for the term of three months next after the assessment thereof, any pew or pews upon which the tax or taxes so remain unpaid, may be advertised by the Treasurer of said Corporation and sold at public auction to the highest bidder after posting up notice thereof at the door of said meeting house fifteen days previous to said sale, and after paying such tax or taxes and cost of sale, the residue of the money accruing from the same shall be paid over to the delinquent owner of any pew or pews sold as aforesaid on demand. Provided, that nothing herein contained shall be so construed as to authorize said Corporation to hold any estate other than the Meeting House aforesaid, or to transact any business except such as shall relate to the upholding and keeping said meeting house in repair.

Section 5. And be it further enacted, That no part of the provisions of this act shall extend to any person, or to the property of any person, who is not by his own consent a member of said Corporation.

[CHAPTER 81.]

State of }
New Hampshire. }

AN ACT TO ALLOW GRACE ON BILLS OF EXCHANGE AND PROMISSORY NOTES ACCORDING TO THE CUSTOM OF MERCHANTS.

[Approved December 31, 1828. Acts, vol. 26, p. 195. Session Laws, 1828, Chap. 81. Laws, 1830 ed., p. 498. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas doubts have arisen whether days of grace are by law to be allowed on inland Bills of exchange and promissory notes as are by the custom of merchants allowed on foreign bills of exchange, therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That on all inland Bills of exchange expressed to be payable at sight or payable at a future day certain within this State and on all promissory negotiable notes orders and drafts payable at a future day certain within this State in which there is not an express stipulation to the contrary grace shall be allowed in the same manner as it is by the custom of Merchants allowed on foreign bills of exchange payable at the expiration of a certain period from date or sight. Provided, that the provision of this act shall not extend to any bills of exchange, note order or draft payable on demand.

Section 2. And be it further enacted, That this act shall not take effect till the first day of March next.

[CHAPTER 82.]

State of }
New Hampshire. }

AN ACT TO DECLARE THE JURISDICTION, AND REGULATE THE PROCEEDINGS OF JUSTICES OF THE PEACE IN CIVIL AND CRIMINAL CASES.

[Approved December 31, 1828. Acts, vol. 26, p. 197. Session Laws, 1828, Chap. 82. Laws, 1830 ed., p. 65. See also act of June 28, 1834, Session Laws, 1834, Chap. 177. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That every Justice of the Peace within his County be and hereby is authorized and empowered to hear, try and determine, all pleas and actions, except such wherein the title of real estate may be drawn in question, when the

sum demanded in damages does not exceed thirteen dollars and thirty three cents and to give judgment therein. And either party aggrieved at the judgment given by any Justice of the Peace in any civil cause may appeal therefrom to the next Court of Common Pleas to be holden in the same County, provided that appeal be claimed within two hours after the judgment is rendered and entered.

Section 2. And be it further enacted, That if any plaintiff in any civil suit founded on contract shall appeal from the judgment of a Justice of the Peace and shall not at the Court appealed to, recover damages to a greater amount than the Justice awarded, the defendant shall recover his costs on such appeal; and if either party in any civil suit shall claim an appeal from the judgment of a Justice of the Peace, an appeal shall not be granted by such Justice unless such party so claiming an appeal, shall enter into a recognizance to the adverse party with sufficient surety or sureties in such sum as such Justice shall direct, not exceeding twenty dollars, conditioned that such appellant shall pay to the appellee all such costs as the appellee shall recover against him in such suit.

Section 3. And be it further enacted that when an action of trespass shall be brought before any Justice of the Peace, and the defendant plead the general issue, he shall not be allowed to offer any evidence, that may bring the title of real estate in question. And when in any such action the defendant shall plead a special plea whereby the title of real estate shall be drawn in question, the Justice shall record such plea, and no further proceedings shall be had thereon before the Justice; and the plaintiff may carry an attested copy of the writ, declaration, plea and all other papers filed in the same cause to the next Court of Common Pleas to be holden in the same County, and may there enter his said action and prosecute the same to final judgment as in cases originally commenced in said Court of Common Pleas; and the Justices of said Court are hereby empowered to take cognizance of said action, and the defendant shall be holden by his said plea, and the proceedings subsequent thereto shall be the same as though the action had been commenced and prosecuted so far in said Court. And in case the plaintiff shall not enter said action at said Court, upon complaint made by the defendant, the Justices of said Court shall allow him his full costs both before the Justice and at said Court. Provided that in case the plaintiff shall immediately on the defendant's plea being filed before the Justice as aforesaid, pray leave to become nonsuit, that liberty shall be granted him by the Justice, and costs shall be taxed for the defendant.

Section 4. And be it further enacted, That all writs issuing from Justices of the Peace shall be served fourteen days before the time of trial, and before they are served, be indorsed by the plaintiff or his attorney, if living within this State, otherwise by some respon-

sible person living in this State; and the indorser shall, in case the defendant recover costs be holden and liable for said cost in the same way and manner as indorsers of writs returnable to the Court of Common Pleas by law now are. And any Justice of the Peace may upon application issue a scire facias in due form of law, against such indorser, for said cost. Provided such scire facias shall be sued out within one year from the time of rendering judgment against the plaintiff and not afterwards.

Section 5. And be it further enacted, That the defendant in any cause triable before a Justice of the Peace may give any special matter in evidence under the general issue, except such as may bring the title of real estate in question.

Section 6. And be it further enacted, That any constable to whom a writ or other legal precept may be directed by a Justice of the Peace, be and hereby is fully empowered and directed to serve and return the same according to law.

Section 7. And be it further enacted, That every Justice of the Peace shall have power to adjourn the trial of any civil cause brought before him to such future time as may be proper, not exceeding three months; And no Justice of the Peace shall be of counsel or act as an attorney to either party; nor shall any Justice of the Peace undertake to advise or assist any party in any cause before him.

Section 8. And be it further enacted, That every Justice of the Peace for the preservation of the peace, or upon the view of any breach of the peace or of any other transgression of law proper to his cognizance done or committed by any person or persons whatsoever, shall be, and hereby is authorized and empowered in the absence of a sheriff, deputy sheriff and constable to require any person or persons to apprehend and bring before him any such offender or offenders; and every person who upon being thereto required shall neglect to obey such Justice shall incur and suffer the like pains and penalties as in case of neglecting or refusing to assist Sheriffs in the execution of their offices.

Section 9. And be it further enacted, That any person sentenced by a Justice of the Peace for any crime or offence, may appeal from such sentence to the next Court of Common Pleas to be holden in the same County; provided the appeal be claimed at the time of declaring the sentence and the appellant enter into a recognizance with sufficient sureties in a reasonable sum not exceeding one hundred dollars for his appearance at the Court appealed to and to prosecute his appeal there with effect and to abide the order of the said Court thereon, which is to be final, and in the mean time to be of good behavior.

Section 10. And be it further enacted, That when any person is brought before any Justice of the Peace to be examined or tried for any offence by him cognizable and justice may require that the ex-

amination or trial should be postponed to some future day, the said Justice may proceed to take security by way of recognizance of the parties and witnesses for their appearance before him on some future day in the same manner as the Superior Court of Judicature may and can do.

Section 11. And be it further enacted, That every Justice of the Peace shall within six months after the receipt of any fine or forfeiture imposed by him pay the same to the person or persons to whom the same by law accrues or is payable on pain of forfeiting the sum of thirty dollars for every such neglect to any person who will sue for the same; and shall moreover be liable to an action by the party to whose use the said fine or forfeiture accrued for the amount thereof and costs.

Section 12. And be it further enacted, That all acts and parts of acts heretofore passed within the purview of this act, be and the same hereby are repealed.

[CHAPTER 83.]

State of }
New Hampshire. }

AN ACT, IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO AUTHORIZE CALVIN PALMER AND HIS ASSOCIATES TO ERECT AND KEEP IN REPAIR A BRIDGE ACROSS CONNECTICUT RIVER.

[Approved December 31, 1828. Acts, vol. 26, p. 203. The act referred to is probably dated December 24, 1803, Laws of New Hampshire, vol. 7, p. 199. See also act of June 16, 1814, id., vol. 8, p. 306.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That said Corporation are hereby authorized to build and keep in repair a bridge across Connecticut River, from Lyman in this State to Barnet in the State of Vermont, in addition to the one already built by said Corporation within the limits of their charter, to be located at Beards falls, so called, being the Falls next below Stevens Ferry.

Provided, however, that said bridge shall not be built on that part of said river covered by the charter for said Steven's ferry, without the consent of the Proprietors thereof first had and obtained.

Section 2. And be it further enacted, That said Corporation are hereby authorized and empowered, to receive and collect the same rates of toll at said Bridge, when built and completed, as they are by law authorized to do at the one which they have already built and that they shall be entitled to all the privileges and immunities, and subject to all the restrictions, liabilities and requirements, in relation to the bridge hereby authorized to be built, to which they are

entitled and subject by the act to which this in addition, as respects the bridge which is already built by said Corporation, within the limits of their Charter as aforesaid.

Section 3. And be it further enacted, That if within three years from the passing of this act, said Corporation shall not build and complete said bridge; or if the same shall be discontinued or out of repair for the term of two years at any one time, then in either of the cases above mentioned, this act and every part thereof shall be null and void.

[CHAPTER 84.]

State of }
New Hampshire. }

AN ACT TO REGULATE THE TAKING OF DEPOSITIONS TO BE USED ON THE TRIAL OF CIVIL CAUSES.

[Approved December 31, 1828. Acts, vol. 26, p. 205. Session Laws, 1828, Chap. 84. Laws, 1830 ed., p. 505. This act repeals acts of February 9, 1791, Laws of New Hampshire, vol. 5, p. 612; June 18, 1807, id., vol. 7, p. 605, and June 29, 1819, id., vol. 8, p. 814. See also act of June 24, 1839, Session Laws, 1839, Chap. 430. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That in the trial of all civil causes, when the witnesses in any such cause, are bound to sea, are old and infirm, are sick and unable to appear at court, or live out of the State, or more than ten miles from the place of trial, their depositions may be taken by a Justice of the Peace, but no Attorney employed, nor other person interested in the cause shall write the testimony of any such witness. And every such witness shall be sworn to testify the whole truth and nothing but the truth; and the Justice shall attest the same with the time of caption, and that the adverse party was present or not present; notified or not notified, and if present, did or did not object, as the case may be; and shall also certify the cause of taking such deposition and shall seal up the said deposition and it shall be so delivered into Court or otherwise the Justice shall deliver the same with his own hand to the court.

Section 2. And be it further enacted, that the party proposing to take any such deposition, shall a reasonable time previous to the taking of the same, cause a notification in writing signed by some Justice of the Peace in this State to be delivered to the adverse party, or left at his usual place of abode; and in such notification shall be expressed the name of the Justice of the Peace before whom such deposition is to be taken, and the day, hour and place of taking the same. Provided nevertheless that this provision shall not be

construed to extend to cases, where the adverse party lives out of the State and more than twenty miles from the place of caption and from the party proposing to take such deposition.

Section 3. And be it further enacted that no deposition shall be taken to be used on the trial of any civil cause if the adverse party shall reside without this State and more than twenty miles from the place of caption and from the party proposing to take such deposition and has an agent or attorney living within this State, unless previously to the taking of such deposition the agent or attorney of such adverse party shall be duly notified of the name of the Justice before whom such deposition is to be taken and of the time and place of taking the same in the same way and manner as is herein before provided for the notification of a party who lives within this State.

Section 4. And be it further enacted, that no person shall for the purposes of this act be considered as the agent or attorney of another, until such agent or attorney shall have endorsed the writ or endorsed his name on the summons to be left with the Defendant in the cause; or until he shall have appeared for his principal in the cause before the Justice of the Peace, referees or arbitrators or in the Court where the action shall be pending or shall have given notice in writing stating he is the agent or attorney in the cause to the other party or his attorney.

Section 5. And be it further enacted, That there shall be annexed to the caption and return of every deposition to be used in the trial of a civil cause, when the adverse party shall not appear at the taking thereof a copy of the notice left with such adverse party, his agent or Attorney, with the return of the officer or affidavit of the person leaving such notice thereon, stating the time of leaving or delivering such notice.

Section 6. And be it further enacted, That all depositions taken in perpetual remembrance of any transaction or thing shall be made and taken before some Court of record or before two Justices of the peace, one of whom shall be of the quorum. And such affidavit being recorded in the registry of deeds, which in case such deposition relate to any real estate shall always be the registry of deeds in the County where such real estate lies, a copy of such record, the original being lost may be read in evidence in any Court as occasion may require in such cases, where the original might be lawfully admitted.

Section 7. And be it further enacted, That if any party proposing to take any deposition, shall neglect or refuse to take the same after notice given to the adverse party as aforesaid, such adverse party in case of actual travel by himself or his attorney to the place and at the time mentioned in such notification, shall be entitled to have and recover in an action of the case from the party proposing to take such deposition, double the fees which are allowed

by law to witnesses for their travel and attendance at Court in the trial of civil causes, unless seasonably notified in writing signed by the party proposing to take such deposition, or his attorney, that such deposition will not be taken.

Section 8. And be it further enacted, That the act entitled, "an act for the taking of affidavits out of court" passed on the ninth day of February A.D. 1791, the act entitled "an act in addition to and amendment of an act entitled, an act for the taking of affidavits out of Court" passed on the eighteenth day of June A.D. 1807; and the act entitled "an act in amendment of an act entitled an act for the taking of affidavits out of Court passed on the twenty ninth day of June A.D. 1819, be and the same hereby are repealed. Provided that this act shall not take effect before the first day of June next.

[CHAPTER 85.]

State of }
New Hampshire. }

AN ACT APPROPRIATING THE LITERARY FUND.

[Approved December 31, 1828. Acts, vol. 26, p. 211. Session Laws, 1828, Chap. 85. Laws, 1830 ed., p. 327. See acts of June 29, 1821, *ante*, p. 37; July 3, 1822, *ante*, p. 154; July 1, 1830, Session Laws, 1830, Chap. 29, and July 2, 1831, *id.*, 1831, Chap. 44. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the Treasurer of the State be, and is hereby authorized and required forthwith to convert into money the stocks and other securities composing the Literary Fund, and to distribute and pay over to the several towns in this State their equal share or proportion of the whole of said fund, to be divided among them severally according to the apportionment of the public taxes existing at the time of such distribution.

Section 2. And be it further enacted, That the said share or proportion of said fund, so paid over, shall be applied by the respective towns to the support and maintenance of common free schools, or to other purposes of education, in addition to the sums which may be required by law to be raised and expended for those purposes, in such manner, and at such time as said towns may order.

Section 3. And be it further enacted, That the whole amount of the sums which may hereafter be received by the Treasurer of the State, under the act of June 29, 1821, entitled "an act to establish a literary fund, to be collected from the several banking corporations within this State," shall be by him distributed among the several towns in this State, annually in the month of June, according to the

then existing apportionment of the public taxes, to be appropriated by said towns in the manner herein above directed.

Section 4 And be it further enacted, That if any town in this State shall apply any sum of money so received to any purpose other than those specified in this act, the town so offending shall forfeit and pay double the sum so misapplied, to be recovered in the name of the State, and for the benefit thereof, in an action of debt before any Court competent to try the same.

Section 5. And be it further enacted, That all the provisions of said Act of June 29, 1821, inconsistent with the provisions of this Act, be and the same are hereby repealed.

[CHAPTER 86.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE NASHUA MANUFACTURING AND MECHANIC ASSOCIATION.

[Approved January 2, 1829. Acts, vol. 26, p. 213. See also act of December 27, 1848, Session Laws, 1848, November Session, Private Acts, Chap. 807.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Lemuel W. Blake, Francis Winch and Ziba Gay and such other persons as shall associate with them and their successors and assigns, shall be and hereby are constituted and made a Corporation by the name of the Nashua Manufacturing and Mechanic Association; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and may have and use a common seal, and the same may alter and renew at pleasure, and also may make ordain and put in execution such by laws and regulations (not being contrary to the Constitution and Laws of the State) as shall be necessary proper and convenient for the government of said Corporation and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers, which by law are incident to Corporations of a similar nature.

Section 2. And be it further enacted, That the said Corporation be and the same is hereby empowered to establish manage and carry on the manufacture of all kinds of machinery adapted to the use of Cotton Woolen and other Factories and the same to sell and dispose of at their pleasure and to purchase and hold all such models, patterns, plans and patent rights as they shall judge fit and proper, and to purchase and hold all such real and personal estate as they may

find necessary and convenient for the proper enjoyment of the privileges hereby granted, and on such real estate to erect such houses, workshops, stores, dams, mills, steam engines and other buildings as they may deem fit and proper in the transaction and management of the business of said Corporation as authorized by this act provided that the whole amount of the real and personal estate, at any time vested in the business of said Corporation shall not exceed the sum of thirty thousand dollars.

Section 3. And be it further enacted, That the said Lemuel W. Blake, Francis Winch and Ziba Gay or any two of them may call the first meeting of said Corporation by giving three days previous notice to each of the persons who is associated with them in obtaining this charter; at which meeting a Clerk shall be chosen who shall be sworn faithfully to discharge the duties of his office; and it shall be his duty to record the doings and proceedings of said Corporation, and to perform such other services as the by laws of said Corporation may require; and at the same or any subsequent meeting duly holden, the members or associates of said Corporation may prescribe and agree on the manner of calling, holding, and managing future meetings; may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the mode or manner in which the shares in their capital stock shall be holden and how the same shall be transferred; may make or provide for the making of assessments on the shares from time to time as occasion may require and fix the time for payment of the same; may appoint and constitute such officers, servants and agents of the said Corporation as they shall think necessary and prescribe their respective duties and may do and transact any matter or thing relating to the property business or concerns of the said Corporation.

Section 4. And be it further enacted, That at all meetings of the members of said Corporation duly notified and holden each member shall be entitled to cast one vote for each share that he may be the owner and holder of in said Corporation on all questions that may come before such meetings; and absent members may be represented and vote at such meetings by an agent for that purpose duly authorized by writing signed by the member or members to be represented, which writing shall be filed with the Clerk of said Corporation; and at all such meetings all questions shall be decided by a majority of the votes cast; Provided however, that in the assessment of taxes on the shares in said Corporation three fourths of the votes cast shall be required to make such assessment binding on the members of said Corporation

Section 5. And be it further enacted, That the shares in the capital or joint stock of the Corporation shall be liable and holden for the payment of all assessments legally made thereon; and in case of neglect of any member to pay the assessments on his share

or shares the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments may be sold or transferred for the payment of the same in such manner or way as shall be prescribed by the by-laws or regulations of said Corporation.

[CHAPTER 87.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE
GILFORD MANUFACTURING AND MECHANIC COMPANY.

[Approved January 2, 1829. Acts, vol. 26, p. 219.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Nathan Batchelder, Charles Morgan, Alvah Tucker, Amos Smith, John Fogg, Stephen K. Baldwin, Trew O. Ranlet and such other persons as shall associate with them, and their successors and assigns, shall be, and hereby are constituted and made a corporation by the name of the Gilford Manufacturing and Mechanic.....Company, and by that name may sue and be sued prosecute and defend to final judgment and execution, and may have and use a common seal, and the same may alter and renew at pleasure; and also may make, ordain and put in execution, such by laws, and regulations not being contrary to the Constitution and laws of this State, as shall be necessary, proper and convenient for the government of said Corporation, and the due management of its concerns; and shall be and hereby are vested with all the privileges and powers which by law are incident to Corporations of a similar nature.

Section 2. And be it further enacted, That the said Corporation be, and the same is hereby empowered to establish manage and carry on the manufacture of all kinds of machinery, adapted to the use of Cotton, woolen and linen, yarn, thread and Cloth factories, and the same to sell and dispose of at their pleasure and to purchase and hold all such models, patterns, plans and patent rights as they shall judge fit and proper, and to purchase and hold all such personal and real estate as they may find necessary or convenient for the proper enjoyment of the privileges hereby granted and on such real estate to erect such houses, stores, workshops, dams, mills, steam engines, cotton, woolen and linen Factories and other buildings as they may deem fit and proper in the transaction and management of the business of said Corporation, and for the manufacturing of all kinds of cotton, woolen and linen yarn thread and cloth, provided that the

whole amount of the real and personal estate at any time vested in the business of said Corporation shall not exceed the sum of one hundred thousand dollars.

Section 3. And be it further enacted, That the said Nathan Batchelder, Charles Morgan and Alvah Tucker or any two of them, may call the first meeting of said Corporation by giving three days previous notice to each of the persons who is appointed with them in this Charter, at which meeting a Clerk shall be chosen who shall be sworn faithfully to discharge the duty of his office; and it shall be his duty to record the doings and proceedings of said Corporation, and to perform such other duties as the by laws of said Corporation may require, and at the same, or any subsequent meeting duly holden, the members or associates of said Corporation may prescribe and agree on the manner of calling holding and managing future meetings; may divide their capital or joint stock into such number of shares as they may deem proper, and prescribe the mode or manner in which the shares in their capital stock shall be holden, and how the same shall be transferred, may make or provide for the making of assessments on the shares from time to time as occasion may require and fix the time for payment of the same, may appoint and constitute such officers, servants and agents of said Corporation as they shall think necessary, and prescribe their respective duties, and may do and transact any matter or thing relating to the property, business or concerns of said Corporation.

Section 4 And be it further enacted, That at all meetings of the members of said Corporation duly notified and holden, each member shall be entitled to cast one vote for each share that he may be the owner and holder of in said Corporation on all questions which may come before such meetings; and absent members may be represented and vote at all such meetings by an agent for that purpose duly appointed by writing signed by the member or members to be represented, which writing shall be filed with the Clerk of said Corporation, and at all such meetings, all questions shall be decided by a majority of the votes cast—Provided however that in the assessment of taxes on the shares in said Corporation two thirds of the votes cast shall be required to make such assessment binding on the members of said Corporation.

Section 5. And be it further enacted, That the shares in the capital or joint stock of the said Corporation, shall be liable and holden for the payment of all assessments legally made thereon, and in case of the neglect of any member to pay the assessment on his share or shares, the same or so many of them as shall be sufficient to pay the amount of the assessment or assessments, may be sold or transferred for the payment of the same in such way or manner, as shall be prescribed by the by laws or regulations of said Corporation.

[CHAPTER 88.]

State of }
New Hampshire. }

AN ACT PROVIDING COMPENSATION FOT THE COMMISSIONERS SURVEYORS AND OTHERS EMPLOYED IN SETTLING THE LINE BETWEEN THIS STATE AND MAINE

[Approved January 2, 1829. Acts, vol. 26, p. 225.]

Be it enacted by the Senate and House of Representatives in General Court convened that the following persons be allowed the sums Set against their names and that said sums be paid to them from the Treasury in full of their respective accounts,

Ichabod Bartlett Two Hundred Seventy three Dollars Sixty Seven cents

John W. Weeks Two Hundred Seventy eight Dollars eleven cents.

Eliphalet Hunt Three Hundred Seventy Dollars Sixty nine cents.

Robert K. Eastman Forty Six Dollars fifty cents.

John Brickett Twenty three Dollars and twenty four cents

Charles Baker Fifteen Dollars.

William Pitman Thirty Eight Dollars

Ezra H. Meserve Twelve Dollars fifty cents

Benjamin Cook Four Dollars fifty cents

Adino N. Brackett Twenty four Dollars forty seven cents.

[CHAPTER 89.]

State of }
New Hampshire. }

AN ACT RELATING TO THE POWERS AND DUTIES OF CERTAIN OFFICERS OF THE MILITIA.

[Approved January 2, 1829. Acts, vol. 26, p. 229. Session Laws, 1828, Chap. 89. Laws, 1830 ed., p. 382. This act repeals acts of December 22, 1820, Laws of New Hampshire, vol. 8, p. 955, and *ante*, pp. 23, 47, 57, 84, 135, 318 and 367. See also act of July 4, 1834, Session Laws, 1834, Chap. 166. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the senate and house of representatives in general court convened, that the captain general be and he hereby is authorized to appoint such number of aids-de-camp as he may think necessary, to be commissioned with the rank of Colonel. And the color and fashion of the uniform of the officers and soldiers of the infantry shall be determined by the commander in chief.

Section 2. Be it further enacted. That there shall be an ad-

jutant and inspector general to be appointed and commissioned by the governor and council, with the rank of brigadier general, who shall keep his office at the seat of government, and whose duty it shall be to distribute all orders from the commander in chief to the several corps: to attend all reviews, when the commander in chief shall review the militia or any part thereof, and to perform the duties of inspection: to obey all orders from the commander in chief relative to carrying into execution and perfecting the system of military discipline established by law; to keep an orderly book and record therein all orders issued by the commander in chief a summary of the proceedings of all general courts martial with the orders of the governor thereon. He shall keep a record of all appointments made, and resignations accepted, by the commander in chief, and shall detail all officers for general courts martial or other special service ordered by the commander in chief. He shall, on the fifteenth day of June in each year, make out lists of the general, field, and staff officers of each division, and immediately transmit the same to the respective major generals; and lists of the field officers of the several brigades, and immediately transmit them to the respective brigadier generals. He shall furnish at the expense of the State the several division inspectors, brigade majors, adjutants and quarter masters of regiments, and clerks of companies, with suitable blank books for keeping their records, taking a receipt for the same: furnish the several brigade-majors with blank forms for brigade returns; furnish the adjutants of regiments with blank warrants for noncommissioned officers, and the adjutants and quarter-masters of regiments with blank forms for all the different returns, that may be required, and explain the principles, on which they are to be made: he shall immediately on receiving the several regimental returns, consolidate them into a general return of the whole militia of the State; record said consolidated return in his records, and make out and transmit one copy thereof to the commander in chief, and one copy to the secretary of war of the United States. And shall do and perform all other duties, which by law or custom, appertain to the office of adjutant and inspector general. And such compensation shall be made to him for his services, from time to time by the Legislature, as they may think Just.

Section 3. Be it further enacted. That where any officer, or officers, person or persons have heretofore recieved or shall hereafter recieve from this State any military books, papers or any other property, or shall have in their hands any monies recieved for fines, not expended for purposes authorised by law, and on resigning their commissions have retained, or shall retain the same, every such person or persons shall account for and deliver the same to the adjutant general or his order; And the adjutant general is hereby authorized and empowered to sue for and recover all such books, papers, and property, in an action in the name of the State; and also

in the name of the state to sue for and recover damages for any injury, which may be done by any person to any gunhouse belonging to the state, or to any piece of ordinance being the property of the state, or to the carriage, harness and apparatus appertaining thereto, or to any musical instruments, military books, papers or other property, belonging to the state, in his care, or in the care of any other officer for the use of the militia of the State.

Section 4. And be it further enacted. That the adjutant general be and he hereby is authorised and empowered to examine into any and all cases of omission or neglect to make the returns required by law of any military officer, and to report a statement of facts to the commander in chief: and if in the opinion of the commander in chief said omissions or neglect arose from circumstances, which ought to excuse the person or persons so omitting or neglecting from paying said fines and penalties, he may direct the adjutant general to omit to prosecute for the same, or to suspend any prosecution, which may have been commenced for the recovery of such fines and penalties.

Section 5. And be it further enacted, That it shall be the duty of the adjutant general, unless otherwise directed by the commander in chief, to sue for and recover all penalties and forfeitures, incurred by any officer for neglect to make the returns required by law, by an action of debt, in the name of the state, in any court of competent Jurisdiction. And the adjutant general shall annually account to the state for all monies, by him received from the state and for all monies, fines and forfeitures, by him recieved under the provisions of this act.

Section 6. And be it further enacted, That it shall be the duty of the adjutant and inspector general to inspect annually such regiments, not exceeding three in each year, as the commander in chief shall direct, although such regiments may not be reviewed by the commander in chief.

Section 7. And be it further enacted, That a quarter master general may be appointed and commissioned by the governor and council with the rank of brigadier general, and it shall be his duty to furnish at the expense of the state a standard for each regiment and for each company of artillery and cavalry of good scarlet silk, on which shall be marked the number of the regiment or company, with white silk, by the officer receiving them, as often as such regiment or company shall be destitute: and also to furnish all company equipage musical instruments, and all and every other thing which, by law or custom, belongs to his department, or which is now, or may hereafter be authorised to be purchased for the use of the militia. And the quarter-master general shall, in the month of June annually, and at any other time, when required by the commander in chief, consolidate the returns of the several regimental quarter-masters, so as to exhibit at one view all the articles of public property in the several regiments and in his own keeping: he shall also

add to it an account of all articles recieved or purchased by him and issued to the regimental quarter-master, which shall be laid by him before the commander in chief for his information. Provided nevertheless, that in case of a vacancy in the office of quartermaster general, it shall be the duty of the adjutant and inspector general to perform said duties, untill the vacancy shall be filled.

Section 8. And be it further enacted, That it shall be the duty of the respective Major-generals some time in the month of July in each year, to issue their orders to the brigadier generals within their divisions, directing them to order out the several regiments in their brigades for inspection and review, at such times between the first day of september and the fifteenth day of october, as such Major-general may direct. And it shall be the duty of each major-general to review at least three of the regiments composing his division in each year

Section 9. And be it further enacted, That it shall be the duty of each division inspector to distribute all orders, as directed by the major general, or commanding officer of the division, to attend all reviews, when the major general shall review the militia, and inspect the division, brigade or regiments, so to be reviewed; to keep an orderly book, and record all orders and other official communications received or issued by the commanding officer of the division, and to do and perform all other things, which, by law or custom, appertain to the duties of division inspector.

Section 10. And be it further enacted. That it shall be the duty of the several brigadier generals on or before the twentieth day of August in each year, to issue their orders to the several Colonels or commanding officers of regiments within their brigades, directing them to order out their regiments for inspection and review at such times, as the major generals may have directed, in case orders for that purpose shall have been seasonably issued by them, otherwise at such times, as the brigadier general may direct. And it shall be the duty of each brigadier general or officer commanding a brigade to review such regiments in his brigade, as shall not be reviewed by the major general.

Section 11. And be it further enacted, That it shall be the duty of the brigade major and inspector of each brigade to distribute all orders from the brigadier general or commanding officer of his brigade to the several regiments; to attend all reviews, when the brigadier general shall review the militia and to inspect the brigade or regiment, so to be reviewed; to keep an orderly book, and record all orders and other official communications recieved or issued by the commanding officer of the brigade: to recieve from the adjutants of the regiments in their brigades, copies of the annual returns of the strength, arms and accoutrements of their respective regiments, and keep the same on file; to consolidate them into a brigade return, record said consolidated return in his orderly book, and transmit

one copy thereof to the brigadier general of the brigade and one copy to the major general of the division, to which he belongs; and to do and perform all other duties which by law or custom appertain to the office of brigade inspector.

Section 12. And be it further enacted, That the field officers of the several regiments shall determine the color and fashion of the uniform of the several companies of cavalry, artillery, light Infantry grenadiers and riflemen of the respective regiments; provided that the uniform of said companies which has been once established in manner aforesaid shall not be altered without the consent of a majority of the company; and they are authorised to prescribe the limits to the several companies of their regiments and the same to alter and modify as they shall think the public good may require. And such field officers shall fix the place of meeting of their respective regiments for inspection and review, as they shall think expedient. Provided, that the places, appointed for the regimental review, shall be as central as in their Judgment, convenience will permit. And in case any regiment shall be so extensive that it cannot be assembled without causing part of the soldiers to march more than fifteen miles, the field officers of such regiments shall have power to assemble said regiments in two divisions, on different days, at such places, as will best accommodate the different parts thereof.—

Section 13. And be it further enacted. That it shall be the duty of the Colonel or commanding officer of each regiment seasonably to issue his orders to the several captains or commanding officers of companies in his regiment, directing them to order out their respective companies for inspection and review once in each year & no more on some day between the first day of september and the fifteenth day of october annually. Provided however that the 24th regiment shall be called out for inspection and review in two divisions: The companies in the towns of Lancaster Northumberland, Dalton, Whitefield, Peirce, Jefferson Brettonwoods, Kilkenny, Randolph, Nash and Sawyers Location together with the Rifle, Light-infantry and artillery company in said regiment shall constitute the first division and be called out for inspection and review in the year 1829; and the companies in the towns of Columbia, Colebrook, Stewartstown Stratford Errol & the College Grant together with the company of cavalry in said regiment, shall constitute the second division and be called out for inspection and review in the year 1830 and said division shall be required to turn out for inspection and review once in two years thereafter and no more. And it shall be the duty of such captains or commanding officers of companies to yield obedience to such orders. But if any colonel or commanding officer of a regiment shall order his regiment to be paraded on any other day, than that, on which he shall be ordered by his superior officer or officers in case orders for that purpose shall

have been seasonably recieved or at any other place, than that appointed by the field officers, he shall be arrested and punished by removal from office or such other punishment as a court martial shall think proper to inflict. And the colonels or commanding officers of regiments shall assemble the officers of their respective regiments, at some convenient and central place within the same, once at least in each year, armed with swords, muskets, and bayonets; and it shall be the duty of the commanding officers aforesaid to instruct or cause said officers to be instructed by some person qualified therefor in the school of the soldier, the company, and the battalion. The orders for such meeting to be issued to the officers in the same manner as for regimental musters.

Section 14. And be it further enacted. That it shall be the duty of the adjutant of each regiment to furnish to the captains of the several companies copies of all orders made by the field officers in relation to the uniform or the limits of such companies; to distribute all orders from the colonel or commanding officer to the captains or commanding officers of the several companies to attend the commanding officer of his regiment whenever he shall be on military duty and see that all his orders are properly executed; to inspect carefully all the companies belonging to the regiment at their usual muster in each, whether such regiment be together or in divisions. If no inspector of superior rank be present; to keep an orderly book and record all orders of the field officers, and all orders and other official communications, which may be recieved by him or the commanding officer of the regiment, and all orders which may be issued by the colonel or commanding officer of the regiment, to receive from the captains or clerks of the several companies in the regiment, the annual returns of the strength arms and accoutrements of the respective companies, and keep such returns on file; consolidate them into a regimental return; record said consolidated return in his orderly book, and within the time prescribed by law transmit one copy thereof to the adjutant general and one copy thereof to the brigade major of the brigade to which the regiment belongs; to furnish the captain or commanding officer of each company in the regiment the necessary blank forms for all returns, which, may be required and explain the principles on which they should be made, he shall under the direction of the colonel or commanding officer, keep a correct roster of the officers of his regiment from which all details for courts martial or other service must be made, and note the services performed by each officer: he shall also keep a register of the noncommissioned officers of the regiment with the dates of their appointments respectively and annually furnish to the drum-major and fife-major of the regiment a roll of the musicians in such regiment from the company returns, and he shall do and perform all other duties, which by law or custom appertain to the office of regimental adjutant: And the several adjutants shall be

allowed for making the regimental returns aforesaid the sum of two dollars to be paid by the adjutant and inspector general.

Section 15. And be it further enacted, That it shall be the duty of the quartermaster of the several regiments to distribute all camp equipage, Colors, musical instruments, military books, and other public property, which may transmitted to them by the quartermaster general or recieved from any officer of the militia for that purpose, and take receipts for the same to be by him kept on file; to keep an orderly book and record therein all official communications, which he may receive from his superior officers, in relation to the duties of his office: to receive from the captains or clerks of the several companies the annual returns of the public property in possession of such companies and the requisition for such as may be wanted; consolidate the same into a regimental return and add thereto such articles of public property, as may be in his own keeping for the use of the regiments and such as may be further required record his consolidated return in his orderly book and transmit the same countersigned by the colonel or commanding officer of the regiment to the quartermaster general within the time required by law.—

Section 16. And be it further enacted, That it shall be the duty of the surgeon and surgeon's mate or one of them, if there be but one of them in commission, some time in the month of March in each year to post up at one or more of the most public places in each town in their regiments, a notice in writing, that they will attend at such times as shall be stated in such notice between the tenth and twentieth days of April in each year and at such places to be designated in such notice not less than three in each regiment as will best accommodate the soldiers in such regiment to receive and examine such applications, as may be made to them for certificates of exemption from military duty on account of bodily infirmity. And it shall be the duty of such surgeon and surgeons mate to attend at the times and places stated in such notice, and there publicly to receive such applications, as may be made to them, which shall be in writing and under oath, and to make examinations and enquiry into the nature and degree of such infirmity and if they shall be of opinion upon such examination that the person applying is unable to perform the duties required by law of soldiers in the militia, they shall give to the person so applying a certificate thereof, which being recorded in the orderly book of the company, in which such applicant would otherwise be liable to do military duty shall exempt him from the performance of military duty for such term as they may think such disability will continue not exceeding one year. Provided however that if such surgeon or surgeon's mate shall be of opinion, that the infirmity of any person is incurable and of such a nature that he can never be able to perform military duty, they may give to such

person a certificate thereof which being recorded as aforesaid shall absolutely exempt such person from military duty And no certificate shall be granted by such surgeon or surgeon's mate at any other time or place, than those designated in such notice, unless the person so applying shall satisfy the said surgeon and surgeon's mate by his statement under oath in his said application, that such infirmity has arisen since the times so appointed or that he had no notice of or was unable to attend at either of such times. And it shall be the duty of the surgeon and surgeons mate to file with the adjutant of the Regiment, as soon as practicable, all the original applications made to them with a minute thereon, whether a certificate was granted or not, and if granted for what period. And no surgeon or surgeon's mate shall demand or receive of any noncommissioned officer or private any fee or reward for any certificate or examination.

Section 17. And be it further enacted, That it shall be the duty of the fife majors and drum-majors of the several regiments to assemble the fifiers and drummers in their respective regiments once in every year, for the purpose of instructing them in martial musick. And such musicians shall be notified by such drummajors or fitemajors in the same manner and have the same notice, which is required to be given to privates for company musters. And when so ordered out, or on regimental muster-days, shall be subject to the same rules of discipline, and liable to the same fines and penalties for nonappearance and misconduct as privates in the militia, which fines and penalties shall be collected by the drum-majors and fitemajors or either of them, in the same manner, as fines are to be collected by clerks of companies and shall be appropriated to defray any expences, which such drum and fife-majors may incur in assembling and instructing such musicians. And it shall be the duty of the fife and drum-majors in their respective regiments, on such days, and on regimental muster days, to teach, lead and command such musicians, and to issue all such orders, as they may be authorised or required by the commanding officers of their respective regiments to issue for those purposes. And when drum and fife majors are on duty together, the oldest by date of warrant shall command.

Section 18. And be it further enacted, That it shall be the duty of each captain of infantry to enrol each and every person by law liable to do military duty, who shall reside within the bounds of his company; and annually in the month of April to revise the roll of his company, and to correct the same from time to time; as the alterations in his company may require. And it shall be the duty of each and every commanding officer of a company to parade his company on the first Tuesday of May annually, at one of the clock in the afternoon, and at that time, to inspect, examine and take an exact account of all the equipments of his men and to note all delinquen-

cies of appearance and deficiencies of equipment and to correct his company roll, in order that a thorough inspection of each company in the state may be made.

And it shall be the duty of the captain or commanding officer of each company, at the annual inspection in May aforesaid, to make out a correct return, to be by him signed, in such form, as may be prescribed of the strength, arms and accoutrements of his company and the numbers present and absent, which return he shall cause to be recorded in the orderly book of his company, signed by the clerk and transmitted to the adjutant of the regiment.

It shall also be the duty of such captain or commanding officer, at the annual inspection aforesaid, to make out a correct return, in such form as shall be prescribed, of the camp equipage, ordnance and military stores, musical instruments, and public property of every description in his company, which have been purchased at the expence of the state or with money received for fines, together with an account of all fines received, and whether expended or not and if expended for what purposes, and to add thereto a requisition for such articles, as may be wanting, and transmit the same signed by himself to the quartermaster of the regiment. It shall also be the duty of such captain or commanding officer to make a return of the names of the musicians of his company to the adjutant of the regiment at the time of making his annual returns in May. It shall also be the duty of such captain or commanding officer to parade his company by his own order once in each year and no more; and also to parade his company for inspection and review, at such time and place, as he shall be directed by the commanding officer of his regiment, and at all times, when his company shall be paraded to use his best exertions in instructing and perfecting his men in their military exercise and evolutions; and to do and perform all other things, which by law or custom appertains to the office of a captain.

Section 19. And be it further enacted. That the orderly sergeant of each company, or the sergeant doing the duty of orderly sergeant, shall distribute the orders of the captain or commanding officer to the noncommissioned officers and privates of the company, and see them executed and in an orderly book, to be by him kept for that purpose record all orders and other official communications received by the captain or commanding officer of the company; shall assist such captain or commanding officer in making a correct return of the company on the first Tuesday of May, and sign and record the same in his orderly book; he shall keep an exact roll of the company together with the state of the arms and equipments of each man, he shall assist the commanding officer in enrolling such persons without partiality or favor as may from time to time be liable to do duty in his company and in revising and correcting his roll he shall record the appointment and discharge of all noncommissioned

officers, and the orders and proceedings of the company in the orderly book, and keep an exact detail of all drafts and detachments he shall keep an account in the orderly book of all absences and delinquencies and of all fines and forfeitures, with the names of the persons, from whom they were collected, the time when, and the offence for which, they were collected; which book shall not be alienated from the company, and shall always be open to the inspection of the officers of the company and the field officers of the regiment; he shall record all permits and surgeons certificates, which shall be presented to him for that purpose, and shall do and perform all other things, which by law or custom appertain to the office of orderly sergeant.

Section 20. And be it further enacted, That the captains or commanding officers of companies shall make the returns by them required to be made to the adjutants and regimental quartermasters within twenty days after the annual training and inspection in May in each year, and the adjutants and quartermasters of regiments shall make their respective returns to the adjutant general, and to the officer doing the duty of quartermaster general within thirty days from the said annual training and inspection in each year. And in case any officer, whose duty it shall be to make any of said returns, shall neglect to do so for a longer time, than is herein prescribed, he shall forfeit and pay for each neglect the sum of twenty dollars.

Section 21. And be it further enacted, That every commanding officer, when on duty, is authorised to ascertain and fix necessary limits and bounds to his parade (no road in which people usually travel to be included,) within which no spectator shall have a right to enter without liberty from the commanding officer.

Section 22. And be it further enacted, That if any officer shall in due course of law be convicted of any infamous crime, he shall forthwith be put in arrest and deprived of all military command, until an opportunity shall be had for both houses of the Legislature to address the Governor for his removal.

Section 23. And be it further enacted. That no officer shall be permitted to resign while under arrest; and no captain or subaltern shall be permitted to resign between the first day of May and the first day of november in each year, nor any general or field officer between the tenth day of June and the first day of november in each year, unless the commander in chief under special circumstances, shall be of opinion, that the public good requires the same. And no field officer shall approve a resignation, until the books and other public property belonging to the state in the possession of the resigning officer are delivered to the commanding officer of the regiment to which he belongs, or some other person appointed to receive them in order that such books and other articles may be delivered to his successor in office.

Section 24. And be it further enacted, That the postage or other reasonable expence incurred in the transmission of any orders or returns, required or authorised by law, shall be paid by the adjutant general, on such vouchers being produced, as shall satisfy him, that the expenditure was actually and necessarily incurred and was Just and reasonable.

Section 25. And be it further enacted, That an act entitled an act for forming, arranging and regulating the militia, passed, December 22^d 1820. An act in addition to said act, passed June 27. 1821. An act entitled An act requiring certain persons to account to the adjutant general and vesting certain powers in that officer, passed June 21. 1821. An act entitled An act for the relief of persons imprisoned for neglect of military duty, passed June 30. 1821. An act, entitled An act to divide the second Regiment of militia in this state, passed June 26. 1822, An act entitled "an act in further addition to an act entitled an act for forming arranging and regulating the militia passed July 2^d 1822 an act entitled "an act for the relief of the 24th. Regiment of militia passed December 15. 1824. and an act to divide the 21. 26. and 30th Regiments of Militia in this State and to establish a new regiment" passed December 22. 1824. be and they hereby are repealed. Provided that all persons now in office agreeably thereto shall continue in office, and all actions and processes depending in any court or before any Justice of the Peace by force of said laws, and all arrests for offences committed under said laws and all forfeitures incurred under said laws shall and may be carried on tried and prosecuted to final Judgment sentence and execution in the same manner they would have been had this act not been passed.

Section 26. And be it further enacted, That this act shall not be in force until the first day of March next.

[CHAPTER 90.]

State of }
New Hampshire. }

AN ACT RELATING TO COURTS MARTIAL AND COURTS OF INQUIRY.

[Approved January 2, 1829. Acts, vol. 26, p. 253. Session Laws, 1828, Chap. 90. Laws, 1830 ed., p. 393. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That if any officer in the Militia of this State shall neglect or refuse to perform the duties of his office, or to obey the orders he may receive from his Superior Officers, respecting any matters relating to the government of the

militia; or if any officer shall, while on duty or at any other time, be guilty of any unofficerlike or ungentlemanlike conduct or behavior, his superior officer may put such offender in arrest, and report him and his offence, if such offender is under the rank of a field officer, to the officer commanding the brigade; if the offender is of the rank of a field officer, to the major general or officer commanding the division; and if the offender is of the rank of a general officer to the commander in Chief. And the officer, to whom such offence shall be reported as aforesaid, is empowered to appoint a court martial for the trial of such offender, and to approve or disapprove the sentence of the Court, as he may think just. But if such officer on examination of the report, shall be of opinion that the offence would not justify an arrest and trial, he is empowered to discharge such officer from arrest, and order him to resume his duty. And if any officer, after having been put in arrest, shall presume to exercise any military Command, until he is discharged from his arrest, he shall be liable to be tried by a court martial, and, if convicted, shall be removed from office.

Section 2. And be it further enacted, That all courts martial hereafter to be appointed by the Commander in Chief shall consist of eight members, a president, judge advocate and a marshal; the president of which shall be of the rank of a Major general: all Courts martial appointed by a Major general shall consist of six members a president, judge advocate and a marshal; the president of which shall be of the rank of a Colonel or higher grade: and all courts martial appointed by a brigadier general shall consist of four members, a president, judge advocate and a marshal; the president of which shall be of the rank of a field officer. The president and marshal of every court martial shall be appointed by the officer ordering the same and such officer may, at his discretion, order a number of officers not exceeding half the number of members, of which the court is composed, to be detailed as supernumeraries to attend the court at the organization thereof, and in case there shall be any vacancy or vacancies, the judge advocate shall fill such vacancy or vacancies from the supernumeraries.

Section 3. And be it further enacted, That if a general court martial is to be formed, orders shall be issued to such divisions as in the opinion of the commander in chief, may most conveniently furnish the members; if a division court martial, orders shall be issued to such brigades or regiments within the division, as in the opinion of the major general or officer commanding the division, may most conveniently furnish the members; if a brigade court martial, orders shall be issued to such regiments within the brigade as in the opinion of the brigadier general or officer commanding the brigade, may most conveniently furnish the members. And whenever the officer commanding a division, brigade, or regiment, shall be ordered to furnish any officer or officers as a member or members super-

numerary or supernumeraries, of a court martial, such officer or officers shall be regularly detailed from the division, brigade or regiment by the commanding officers thereof respectively, in the following manner: major generals by the commander in chief or his orders from the general roster; brigadier generals by the commanding officers of divisions from the lists furnished them by the Adjutant general: field officers by the commanding officers of brigades from the lists furnished them by the adjutant general; and captains and subalterns by the commanding officers of regiments, from the regimental rosters.

Section 4. And be it further enacted, That before any court martial shall proceed in the trial of any officer, the judge advocate shall administer to the president and each of the members separately the following oath: You A. B. do swear, that without partiality favor, affection, prejudice or hope of reward, you will well and truly try the cause now before you, between this State and the person (or persons as the case may be) to be tried, and you do further swear, that you will not divulge the sentence of the court martial, until it shall be approved or disapproved; and that you will not on any account, at any time whatever discover the vote or opinion of any member unless required to give evidence thereof as a witness by a court of justice in a due course of law. So help you GOD. And the president shall administer to the judge advocate the following oath: You A. B. do swear, that you will faithfully and impartially discharge your duties as judge advocate on this occasion, as well to the State as the accused; and that you will not, on any account at any time whatever divulge the vote or opinion of any member of this court martial, unless required to give evidence thereof, as a witness, by a Court of Justice in a due course of law. So help you God.

Section 5. And be it further enacted, That when any member is challenged, either on the part of the government or of the accused, the cause of the challenge shall be stated in writing, of which the court after due deliberation shall determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at once shall be recieved by the court. On questions of challenge, the member objected to shall not vote; but the president may vote with the members, that the full number of votes may be given; and in no case shall a challenge be acted upon, until the president and judge advocate and the intended members be sworn. All trials by court martial shall be carried on in the day time, and when the votes shall be called for on any question, the judge advocate shall begin with the youngest in commission and proceed regularly to the oldest, and at all courts martial, unless two thirds of the members agree, that the accused is guilty, the judge advocate shall record his acquittal; but if two thirds or more pronounce the

accused to be guilty the court shall proceed to pass sentence upon him.

Section 6 And be it further enacted, That all courts martial shall have power to cashier, or to reprimand in orders, or to inflict such fine on any officer by said court convicted, as under the circumstances of the case to said court may seem reasonable, not less than ten dollars, nor more than one hundred dollars; to be sued for and recovered by the judge advocate, who served on said court in an action of debt before any court proper to try the same for the use of the State. And if any officer shall be sentenced to be cashiered the court shall adjudge him to be disqualified for and incapable of holding any military office under this State for life or a term of years, according to the aggravation of the offence. And all courts martial are authorized to preserve order during their session; and if any person or persons in presence of a court martial shall behave in a disorderly manner or make any tumult in or disturb a court martial and shall not upon command of the marshal thereof desist therefrom it shall be lawful for the court martial to confine such disorderly person or persons, for a time not exceeding eight hours.

Section 7. And be it further enacted, That every officer to be tried by a court martial shall be put in arrest, and shall have a copy of the charges exhibited against him, and notice of the time and place appointed for his trial shall be given ten days at least before his trial is commenced; and every officer arrested as aforesaid shall be brought to trial without any unnecessary delay. And no officer shall be tried before a court martial for any offence, which shall have been committed more than one year previous to the time when a complaint shall have been made in writing therefor, unless by reason of having absented himself or some other manifest impediment, he shall not have been amenable to justice within that period. In case any officer, for the trial of whom a court martial is appointed, shall neglect to appear and make his defence, or, if appearing shall withdraw in contempt of the court or being arraigned before a court martial, shall, from obstinacy or deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if he had regularly pleaded not guilty.

Section 8. And be it further enacted, That the judge advocate shall administer the following oath or affirmation to all witnesses required to give evidence before the court martial or any court of enquiry;

“You swear (“or affirm” as the case may be that the evidence you shall give relative to the charge now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God,” (or “this do you under the pains and penalties of perjury”, in case the witness shall affirm.)

And if any person called by summons from the president of a

court martial to give evidence, shall refuse or unreasonably neglect to appear, or appearing shall refuse to give evidence, he shall be committed to the common goal of the county, where such court is sitting, by warrant under the hand and seal of the president directed to the marshal of such court, or to the Sheriff of said County or his deputy, there to remain three months, unless, sooner discharged therefrom by order of the Justices of the Superior Court.

Section 9. And Be it further enacted, That it shall be the duty of the judge advocates to attend all courts martial holden within their respective divisions, when thereto ordered: Provided, that it shall be in the power of the officer ordering a court martial to appoint a judge advocate *pro tempore* to any particular court martial or court of inquiry appointed to be holden, in case of the inability of the judge advocate, or in case of any legal impediment to his acting. And it shall further be the duty of each judge advocate or person officiating as such at any court martial, impartially to state the evidence both for and against the officer or officers under trial, to take accurate minutes of the evidence and of the proceedings of the court, all of which, with the judgment of the court thereupon, authenticated with his signature and that of the president of the court, with the papers used at the trial, or copies thereof certified by him, he shall transmit under seal to the officer, whose duty it is to approve or disapprove the sentence of the court; and all motions and objections to evidence, whether on the part of the State or of the accused, and the opinions of the judge advocate on questions of law made at the trial, shall be in writing; and the statement of the complainant and the defence of the accused shall be made in writing, in order that a full view of the trial may be had by the officer ordering the court.

Section 10. And be it further enacted, That the original records of the proceedings and judgments of all courts martial, after having recieved the approbation or disapprobation of the officer, who appointed them, shall, as soon as opportunity of time and distance will permit, after such courts are dissolved, be deposited in the office of the Adjutant general, where they shall be carefully kept and preserved, and the officer who appointed the court martial, shall be entitled to receive, upon his demand, a copy of the original records from said office, certified by said Adjutant general; and the party tried by any court martial upon request made at the office of the Adjutant general, by himself or any person authorized in his behalf, shall be entitled to a copy of the original record, certified as aforesaid, of the proceedings and judgment of the court martial, which tried him, he paying reasonably therefor.

Section 11. And be it further enacted, That the Commander in chief may call boards of officers; whenever in his opinion, they may be necessary for settling military questions, or for other purposes relative to good order and discipline, and the Commander in chief,

the major-generals or officers commanding divisions, each in his own division, and the brigadier generals or officers commanding brigades, each in his own brigade, may order courts of inquiry to examine into the nature of any transaction or any accusation or imputation against any officer, when made by an inferior. Provided nevertheless, that all courts of inquiry on general officers are to be ordered by the Commander in chief; all courts of inquiry on field officers are to be ordered by the major generals, or officers commanding divisions; and all courts of inquiry on captains and subalterns, shall be ordered by the brigadier generals or officers commanding brigades. All courts of inquiry shall consist of three officers, with the judge advocate of the brigade in which they are holden, or some other suitable person in case of his inability to attend or any legal impediment to his acting. The judge advocate shall administer to each of the officers composing a court of inquiry the following oath.

You A. B. do swear, That you will well and truly examine and inquire into the matter now before you without partiality, favor, prejudice, affection or hope of reward; So help you God. .

After which the president shall administer to the judge advocate the following oath: You A. B. do swear, that you will impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God.

These courts shall have the same powers in relation to the summoning and examination of witnesses and the preservation of order as Courts Martial: the parties also shall be permitted to cross examine witnesses so as fairly to investigate the circumstances in question. The court shall not give their opinions on the merits of the case, unless they are specially required so to do; but their proceedings shall be authenticated by the signatures of the president and judge advocate and transmitted by the judge advocate under seal to the officer appointing the court.

Section 12. And be it further enacted, That the fees for services rendered on courts martial, or courts of inquiry, shall be as follows, to wit: To the president, members, supernumeraries, judge advocate, and marshal, one dollar and twenty five cents a day each, and four cents a mile for travel to and from said court: to the judge advocate for drawing necessary papers, for copying the same or making records, twelve and a half cents for each page of two hundred and twenty four words: to the marshal for notifying members, supernumeraries or the accused of the time and place of trial three cents a mile for all necessary travel out and in, and twenty three cents for each notification; for summoning witnesses twenty three cents each: to the marshal or sheriff for committing any person to jail for refusing to give evidence the same fees as are allowed to sheriffs for committing in similar cases: to witnesses the same fees, as are allowed to witnesses attending the Superior court of judicature; and of all services, fees, charges, and contingent expenses, if

any, of a court martial, a roll shall be made out by the judge advocate, specifying each item and to whom due; and the President and judge advocate shall certify, that the fees and charges are legal and that the contingent expenses, if any, were necessary and the charges reasonable: which roll shall be transmitted to the Governor who is hereby authorized, if he think said fees and charges reasonable to draw an order on the Treasurer for the amount in favor of the president of said Court.

Section 13 And be it further enacted, That this act shall not take effect until the first day of March next.

[CHAPTER 91.]

State of }
New Hampshire. }

AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES BY SOLITARY IMPRISONMENT AND CONFINEMENT TO HARD LABOR.

[Approved January 2, 1829. Acts, vol. 26, p. 269. Session Laws, 1828, Chap. 91. Laws, 1830 ed., p. 136. This act repeals acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 596; February 16, 1791, id., p. 718; June 19, 1812, id., vol. 8, p. 129, and December 18, 1812, id., p. 196. See also acts of June 28, 1825, *ante*, p. 415, and January 2, 1829, *post*. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the senate and house of representatives in general court convened, that if any person shall, in the night time, break and enter any dwelling house, with intent feloniously to kill, rob, steal, commit a rape, or perpetrate any other felony; or shall aid or assist therein; or shall be accessory thereto, before the fact; such person shall be punished, by solitary imprisonment, for a term not exceeding six months, and by confinement to hard labor for life.

Sec. 2. And be it further enacted, that if any person, with intent to kill, rob, steal, commit a rape, or perpetrate any other felony, shall in the night time, break and enter any office, bank, shop, store ware-house, or ship or vessel, lying within the body of a county, or shall be aiding or assisting therein, or be accessory thereto before the fact, such person shall be punished by confinement to hard labor for a term not less than three nor more than ten years.

Sec. 3. And be it further enacted, That if any person, with intent to kill, rob, steal, commit a rape, or perpetrate any other felony, shall in the night time enter without breaking, or in the day time break and enter any dwelling house, or out house thereto adjoining & occupied therewith, or any office, bank, shop, store ware-house or any ship or vessel lying within the body of a county, or shall be aiding or assisting therein, or be accessory thereto before

the fact, such person shall be punished by confinement to hard labor for a term not less than two years nor more than seven years.

Sec. 4. And be it further enacted, That if any person shall, by assault or any violence and putting in fear, feloniously steal, rob and take from the person of another, any money, goods, chattels, or other property, which may be the subject of larceny, or shall aid or assist therein, or be accessory thereto, before the fact, such person shall be punished by solitary imprisonment not exceeding six months and by confinement to hard labor for life.

Sec. 5. And be it further enacted, That if any person shall commit the crime of manslaughter, such person shall be punished by fine not exceeding one thousand dollars: or by fine not exceeding five hundred Dollars and imprisonment in the common gaol not exceeding one year: or by solitary imprisonment not exceeding six months, and by confinement to hard labour for any term of years not less than one year, or for life, according to the aggravation of the offence.

Sec. 6, And be it further enacted, That if any man shall ravish and carnally know any woman, committing carnal copulation with her by force, against her will: or if any man shall unlawfully and carnally know and abuse any woman child under the age of ten years, such person on conviction, shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for life.

Sec. 7. And be it further enacted, That if any person shall of set purpose & malice aforethought unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or lip, or cut off or disable any limb or member, of any person, with intention to maim or disfigure, or shall aid or assist therein, or be accessory thereto before the fact, such person so offending shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for a term not less than one year, nor more than twenty years.

Sec. 8, And be it further enacted, That if any person, with intent to commit murder, rape sodomy or robbery, shall make an assault on another, or aid or assist therein, or be accessory thereto before the fact, such person shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for a term not less than one year, nor more than ten years.

Sec. 9. And be it further enacted, That if any person shall willfully and maliciously burn the dwelling house of another, or any out building adjoining thereto, or within the curtilage thereof, or any other building, by means whereof such dwelling house shall be burnt, or shall aid or assist therein, or be accessory thereto before the fact, such person shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for life.

Sec. 10. And be it further enacted, That if any person shall

wilfully and maliciously burn any meeting house, church, court-house, college, academy, school-house, or other public building erected or designed for public use, or any ware-house, store shop bank mill factory barn stable ship or vessel lying within the body of a county, or other building whatsoever of another, or shall aid or assist in doing the same or be accessory thereto before the fact, such person shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for a term not less than two years, nor more than twenty years.

Sec. 11. And be it further enacted, That if any person shall wilfully and maliciously burn any stack of corn, hay, grain or flax or any fence or pile of boards, lumber or wood, or any trees or under-wood of another, or shall aid or assist therein, or procure the same to be done, such person shall be punished by confinement to hard labour for a term not less than one year, nor more than three years, or by fine not exceeding one thousand dollars, and imprisonment in the common gaol not exceeding one year, according to the aggravation of the offence.

Sec. 12. And be it further enacted, That if any person shall wilfully and maliciously, kill, maim, wound, or poison any horse, cattle, sheep or swine of another, with intent to injure the owner thereof, or shall aid or assist therein, or procure the same to be done, such person, so offending, shall be punished by confinement to hard labour for a term not less than one year, nor more than three years, or by a fine not exceeding one thousand Dollars, and by imprisonment in the common gaol not exceeding one year, according to the aggravation of the offence.

Sec. 13. And be it further enacted, That if any person shall wilfully and maliciously kill, maim, beat or wound, any horse, cattle sheep or swine or shall aid or assist therein, or procure the same to be done, such person so offending shall be punished, by fine not exceeding one hundred dollars or by imprisonment in the common Gaol not exceeding ninety days.

Sec. 14. And be it further enacted, That if any person shall falsely make, forge or counterfeit any note, certificate or other security, in imitation of, or purporting to be a note, certificate or other security which has been or may hereafter be issued for any debt of this state: or any bank bill or note, in imitation of, or purporting to be a bank bill or note which has been, or may hereafter be issued by any corporation which is or may hereafter be lawfully established as a bank in this state or in any place within the United States; or shall falsely alter any note certificate or security which has been or may be hereafter so issued for any debt of this state, or any bank bill or note which has been or may be hereafter so issued by any corporation so established or to be established as aforesaid with intent to defraud this state, or any body politic or any person or persons whomsoever, or shall aid or assist therein or shall be

accessory thereto before the fact such person so offending shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for a term not less than five years, nor more than twenty years,

Sec. 15. And be it further enacted, That if any person shall utter, publish pass or tender in payment as true, any such false, forged, counterfeited or altered note certificate or security or any such false, forged, counterfeited or altered bank bill or note, knowing the same to be false, forged, counterfeited or altered as aforesaid, with intent to defraud this state, or any body politic, or any person or persons whomsoever, or shall aid or assist therein, or be accessory thereto before the fact, such person so offending shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two, nor more than five years.

Sec. 16. And be it further enacted, That if any person shall knowingly bring into this state, or have in his possession or custody, any false, forged and counterfeited bill or note, falsely made, forged and counterfeited in imitation and similitude of any bank bill or note issued by any corporation which is or may hereafter be lawfully established as a bank within this state, or in any place within the United States, with intent to utter, publish, pass or tender the same in payment as true, knowing the same to be false, forged and counterfeited, such person shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 17. And be it further enacted, That if any person shall engrave, form, make, mend or begin to engrave form, make, or mend any plate paper rolling press or other instrument or material devised adapted and designed for the stamping, forging or making any false, forged or counterfeit bank bills or notes in imitation of the bills or notes which have been or shall be issued by any corporation lawfully established, or which shall be lawfully established, within this state, or in any place within the United States, or shall have in his possession or custody any such plate engraven in any part, or any such paper rolling press or other instrument, or material devised, adapted or designed as aforesaid, with intent to use and employ the same, or cause or permit the same to be used and employed in forging and making any such false and counterfeit bank bills or notes, such person so offending shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 18. And be it further enacted, That if any person shall falsely make, alter forge or counterfeit, or procure to be falsely made altered forged or counterfeited, or aid and assist in falsely making, forging altering or counterfeiting any public record or any

writ process, or proceeding in any court of Justice in this State; any certificate or attestation of a justice of the peace, notary public, clerk of any court, town clerk, or other public officer, in any matter wherein such certificate or attestation may be received as legal proof: any charter, deed will or testament, hand or writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, order, acquittance, discharge for or upon the payment of money, or delivery of goods; or any acceptance of a bill of exchange, or any endorsement, or assignment of a bill of exchange or promissory note; any certificate, accountable receipt for money, goods or other thing: or any warrant, order or request for the payment of money, or delivery of goods or chattels, or for the delivery of any note, bill or other security for money or goods: or any lottery ticket: or any writing whatever, purporting to contain evidence of any debt, contract or promise, or of the discharge, payment or satisfaction of any debt, contract or promise, with intent to defraud any person or body politick: or shall utter and publish as true, or procure to be uttered or published as true, any such false, forged, altered or counterfeited record, deed or other writings above mentioned knowing the same to be false, forged, altered or counterfeited with intent to defraud any person or body politick or shall aid or assist in doing the same: such person so offending shall be punished by solitary imprisonment not exceeding six months, and by confinement to hard labour for a term not less than three nor more than seven years.

Sec. 19. And be it further enacted, That if any person shall forge and counterfeit any false coin in imitation and similitude of any gold or silver coin current within this state, by law or usage, or shall aid or assist therein, or shall be accessory thereto before the fact, such person shall be punished by solitary imprisonment not exceeding six months and by confinement to hard labour for a term not less than four nor more than ten years.

Sec. 20. And be it further enacted, That if any person shall utter, pass or tender in payment as true any false forged and counterfeit coin, made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage knowing the same to be false forged and counterfeited, with intent to defraud any person or body politick or shall aid or assist in doing the same, or shall procure the same to be done, such person so offending shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 21 And be it further enacted, That if any person shall bring into this state, or have in his possession or custody any false and counterfeit coin made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage, knowing the same to be false and counterfeit with intent to utter and

pass the same in payment as true, such person shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 22. And be it further enacted, That if any person shall cast stamp engrave form make or mend or shall begin to cast stamp engrave, form, make or mend, or shall knowingly have in his possession or custody, any mould pattern dye puncheon press or other tool or instrument whatever devised adapted or designed for the forging or making of any false and counterfeit coin in imitation and similitude of any gold or silver coin current in this state, by law or usage with intent to use and employ the same or to cause or permit the same to be used or employed in forging or making any such false and counterfeit coin as aforesaid, such person shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 23. And be it further enacted, That if any person shall knowingly and corruptly commit wilful perjury on his or her oath or affirmation in any suit, controversy, matter or cause pending in any court, or before any justice of the peace referees or arbitrators or in any deposition lawfully taken to be used in the hearing or trial of any cause or matter in this state or elsewhere, wherein an oath or affirmation is by law required to be administered, such person shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 24. And be it further enacted, That if any person shall procure or corruptly endeavor to procure another by rewards, promises, or other sinister means, to commit wilful perjury in any of the cases or matters aforesaid, such person shall be punished by solitary imprisonment not exceeding four months and by confinement to hard labour for a term not less than two nor more than five years.

Sec. 25. And be it further enacted, That in prosecutions for perjury, it shall be sufficient to set forth the offence charged upon the defendant, and in what court or before whom the oath or affirmation was taken, averring such court or person or persons to have competent authority to administer the same, together with proper averments to falsify the matters wherein the perjury is assigned without setting forth the record or proceedings other than as aforesaid, and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed.

Sec. 26. And be it further enacted, That if any person shall feloniously steal, take and carry away of the property of another, any money, goods or chattels amounting in value to the sum of twenty dollars, or any charter, deed or other writing containing or imparting the conveyance of land or other real estate, or containing

or imparting a defeasance or release of title to any land or other real estate, or any will or testament, or any policy of insurance, bill of sale of any ship or vessel, or letter of attorney or any writ, process, or any record of any of the courts in this state or shall aid or assist therein: and if any person shall feloniously take steal and carry away of the property of another any bond, promissory note, bill of exchange, order or other writing or obligation containing evidence of any unsatisfied debt amounting to twenty Dollars or containing evidence of any subsisting contract, covenant or promise to pay in money or goods, any sum amounting to twenty dollars, or containing evidence of the discharge, payment or satisfaction of any such debt, contract covenant or promise, or shall aid or assist therein; such person shall be deemed and taken to be guilty of larceny, and such person so offending and all accessories before the fact, shall be punished by confinement to hard labour for a term not less than two nor more than five years.

Sec. 27. And be it further enacted, That if any person shall feloniously steal, take and carry away of the property of another, any money, goods or chattels amounting to a less sum in value than twenty dollars, or any bond, promissory note bill of exchange order or other writing or obligation containing evidence of any unsatisfied debt amounting to a less sum than twenty dollars, or containing evidence of any subsisting contract, covenant or promise to pay in money, goods or chattels any sum amounting to a less sum than twenty dollars, or containing evidence of the payment, discharge or satisfaction of any such debt, contract, covenant or promise, or any writing containing evidence of a valuable subsisting contract, or shall aid or assist therein or procure the same to be done such person shall be deemed and taken to be guilty of larceny, and shall be punished by imprisonment in the common Gaol not exceeding one year nor less than one month and by fine not exceeding one hundred dollars for the use of the county where such offence shall have been committed. And such offender shall be further sentenced to pay treble the value of the goods or other articles stolen, to the owner thereof, and to pay all the cost of prosecution. And any of the articles stolen being returned or restored shall be accounted part of such treble value according to the value thereof; Provided nevertheless. That if any person shall at one time feloniously steal, take and carry away of the property of another, divers such bonds, notes, bills, orders writings or obligations containing together evidence of any unsatisfied debt or debts amounting in the whole to the sum of twenty dollars, or containing evidence of any subsisting contracts, covenants or promises to pay in money or goods, any sums amounting together to the sum of twenty dollars: or containing evidence of the payment, discharge or satisfaction of any such debts, covenants, contracts or promises, or shall aid or assist therein or be accessory thereto before the fact, such person

shall be punished according to the provisions of the next preceding section of this act, in like manner as if any one of such bonds, notes, bills, orders, or other writings or obligations had been of the amount and description mentioned in said next preceding section.

Sec. 28. And be it further enacted, That if any person in the night time shall enter, without breaking, or in the day time shall break and enter any dwelling house, and shall there commit larceny or shall aid or assist therein or be accessory thereto before the fact, such person shall be punished by confinement to hard labour for a term not less than two years, nor more than ten years.

Sec. 29. And be it further enacted, That if any person in the night time shall enter any office, bank, shop, store, ware house or any ship or vessel lying within the body of a county, and shall there commit larceny, or shall aid or assist therein or be accessory thereto before the fact, such person shall be punished by confinement to hard labour for a term not less than one nor more than seven years.

Sec. 30. And be it further enacted, That if any person shall, either openly or privately and fraudulently commit any larceny from the person of another or shall aid or assist therein or be accessory thereto before the fact, such person shall be punished by confinement to hard labour for a term not less than three nor more than seven years.

Sec. 31. And be it further enacted, That if any person shall feloniously steal take and carry away of the property of another any horse or horses, mule or mules, neat cattle or sheep or shall aid or assist therein or be accessory thereto before the fact, such person shall be punished by confinement to hard labour for a term not less than three nor more than seven years.

Sec. 32. And be it further enacted, That if any person shall receive or conceal any money, goods or chattels or other articles, stolen as aforesaid, or shall aid or assist therein knowing the same to have been so stolen in any such manner as aforesaid, such person shall be punished in the same manner and degree as such person would be, if he had so stolen such money, goods, chattels or other articles,

Sec. 33. And be it further enacted, That any person charged with the receipt or concealment of money, goods, chattels or other articles stolen knowing the same to have been stolen may be prosecuted therefor as for a misdemeanor, although the principal felon chargeable or charged with the larceny shall not have been prosecuted or convicted; but after trial for such misdemeanor, the person so tried shall not be prosecuted as an accessory after the fact in the same larceny.

Sec. 34. And be it further enacted, that if any person having been once convicted of any crime the punishment whereof is in and by this act declared to be in whole or in part confinement to hard labour for a term of years shall after such conviction commit any

crime herein declared to be in whole or in part punishable by such confinement to hard labour such person so offending in addition to any punishment other than confinement to hard labour herein provided for the like offence on a first conviction shall be punished by a confinement to hard labour for double the term of time he would be liable to be so confined on a first conviction for the same offence.

Sec. 35. And be it farther enacted, That if any person having been twice convicted of any crime or crimes the punishment whereof is in and by this act declared to be in whole or in part confinement to hard labour for a term of years shall after such convictions commit any crime herein declared to be in whole or in part punishable by such confinement to hard labour, such person so offending in addition to any punishment other than hard labour herein provided for the like offence on a first conviction, shall be punished by confinement to hard labour for life. And every convict sentenced for the second time to be confined to hard labour for any term, shall, on being committed to the state's prison, be marked on the arm above the elbow with the letters N. H. S. P. and with figures denoting the year in which such convict shall have been so committed; which letters and figures shall be made with india ink well and deeply inserted. And it shall be the duty of the warden of said prison to cause the same to be done; and in case the same shall be rubbed off or effaced during each confinement it shall be repeated until it be indelibly fixed.

Sec. 36. And be it further enacted, That whenever any person shall be indicted for any crime which may be punished by confinement to hard labour for life, such person shall have all the rights and privileges with respect to the manner of his trial, which he would be entitled to if he were indicted for a crime of which the punishment is or shall be death.

Sec. 37. And be it further enacted, That whenever any person shall be convicted of stealing any money, goods or chattels or any bank bill, or note bill of exchange, promissory note or any draft or order for money, goods or chattels, or of receiving or concealing any such money, goods or chattels, bank bill or note, bill of exchange or promissory note or draft or order for money, goods or chattels knowing the same to have been stolen, such convict shall be liable to pay the value of such money goods chattels or other property to the owner or owners thereof, deducting the value of such parts thereof as may be returned or restored; and the said owner or owners upon such conviction shall have judgment therefor against such convict and may have execution thereon in common form; and if any convict be committed to Gaol by virtue of any writ of execution issued on such judgment, he shall have the same ease and relief as if said execution had issued on a judgment recovered in an action of trespass:—Provided that nothing in this section contained shall be construed to extend to any case where such

owner or owners may have the right to recover three fold the value of the property stolen, or to have satisfaction therefor by service, unless such owner or owners shall waive the right to three fold damages and satisfaction by service.

Sec. 38. And be it further enacted, That every justice of the peace within his county be and is hereby authorised, hear and determine complaints for stealing and receiving or concealing stolen money, goods or other articles in cases where the value of the property stolen, received or concealed does not exceed the sum of ten Dollars, may punish such offender by fine not exceeding ten Dollars for the use of such county or by imprisonment in the common gaol not exceeding thirty days: and shall further sentence and order such offender to pay treble the value of the money, goods or other articles stolen, received or concealed as aforesaid to the owner thereof, and to pay all the costs of prosecution.

Sec. 39. And be it further enacted, That whenever any person shall be convicted of any crime for which he shall be sentenced to solitary imprisonment or confinement to hard labour, judgment shall be rendered against such convict for costs of prosecution, and execution may thereupon issue against the goods, chattels, or lands of such convict.

Sec. 40. And be it further enacted, That whenever any convict shall be sentenced to solitary imprisonment for a certain term, and to confinement to hard labour, such convict shall undergo the full term of solitary imprisonment to which he shall be sentenced immediately after his commitment to the state prison, unless the directors of said prison shall be of opinion that the suffering the whole term of such solitary imprisonment at one time will endanger the life of such convict in which case the said directors may order the same to be inflicted at such intervals as they shall deem proper, which order shall be obeyed by the warden of said prison.

Sec. 41. And be it further enacted, That in every case of a conviction of larceny, or of receiving or concealing stolen money, goods or chattels, or other property knowing the same to be stolen, or of making uttering or passing counterfeit coin or bank-bills, the court before whom the conviction may be, shall have authority, at their discretion, to allow the prosecutor a meet recompence, not exceeding his actual expence, with a reasonable allowance for his time and trouble, in such prosecution, to be paid out of the treasury of the county where the conviction is had; but this provision shall not be construed to disqualify such prosecutor as a witness in such prosecution.

Sec. 42. And be it further enacted, That the act entitled "an act for the punishment of certain crimes" passed the 8th day of February 1791; the act entitled "an act for the punishment of certain crimes not capital" passed the 16th day of February 1791; the act entitled "an act for the punishment of certain crimes by solitary

imprisonment and confinement to hard labour" passed the 19th. day of June 1812; the act entitled "an act in addition to an act, entitled an act for the punishment of certain crimes by solitary imprisonment and confinement to hard labour passed June nineteenth, one thousand eight hundred & twelve" passed the 18th day of December 1812; be and the same hereby are repealed Provided that the said acts and every part of them shall be and remain in force for the cognizance, trial and punishment of all such crimes and offences as are therein mentioned, which have been committed before the passing of this act and all proceedings thereon arising, this repeal notwithstanding; Provided also that this repeal shall not be construed to revive any acts or parts of acts heretofore repealed by virtue of any act hereby repealed.

[CHAPTER 92.]

*State of
New Hampshire.* }

AN ACT FOR THE PUNISHMENT OF LEWDNESS, ADULTERY POLYGAMY, AND FORNICATION.

[Approved January 2, 1829. Acts, vol. 26, p. 293. Session Laws, 1828, Chap. 92. Laws, 1830 ed., p. 147. This act repeals the act of February 15, 1791, Laws of New Hampshire, vol. 5, p. 706. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That, if any man and woman, the woman being the wife of another man, shall knowingly and wilfully be in bed with each other; or if any man and woman, one or both of whom are married, and not to each other, shall lewdly and lasciviously associate and cohabit together; or if any man or woman married or unmarried, shall be guilty of open gross lewdness and lascivious behavior; the person or persons offending in any manner as aforesaid, shall be punished by imprisonment in the common jail, not exceeding six months; by a fine not exceeding two hundred dollars; and may be holden to recognize with sureties, to be of good behavior for a term not exceeding three years; or by one or more of said punishments, at the discretion of the Court before whom the conviction shall be.

Section 2. And be it further enacted, That if any person shall commit the crime of adultery, such person shall be punished by imprisonment in the common jail not exceeding one year; by a fine not exceeding four hundred dollars; and may be holden to recognize, with sureties, to be of good behavior for a term not exceeding five years; or by one or more of said punishments, at the discretion of the Court before whom the conviction shall be.

Section 3. And be it further enacted, That if any person, having a husband or wife alive, shall marry any other person; or being so married, shall live with such other person; such person, so offending shall be punished by imprisonment in the Common jail not exceeding two years; by a fine not exceeding four hundred Dollars; and may be holden to recognize, with sureties, to be of good behavior for a term not exceeding five years; or by one or more of said punishments, at the discretion of the Court before whom the conviction shall be; Provided, That nothing herein contained shall be construed to extend to any person whose husband or wife shall be absent for the space of three years together, the person so absent, not being heard of during that time; or to any person whose husband or wife shall be absent, and information shall be given, and generally believed, that the party absent is dead; or to any person legally divorced from the former husband or wife, at the time of such after marriage; or to any person by reason of any former marriage made within the age of consent, that is, the woman being under twelve, or the man under fourteen years of age.

Section 4. And be it further enacted, That if any person shall commit the crime of fornication, such person shall be punished by fine not exceeding fifty dollars, or by imprisonment in the common jail not exceeding six months; Provided, That no person shall be convicted of such offence solely on the testimony of a partner in the crime.

Section 5. And be it further enacted, That the act, entitled, "An act for the punishment of lewdness, adultery, and polygamy" passed the 15th day of February, 1791, be, and is hereby repealed: Provided, That the said act shall be and remain in force for the cognizance, trial and punishment, of all such crimes and offences as are therein mentioned, which have been committed before the passing of this act, and all proceedings thereon arising.

[CHAPTER 93.]

State of }
New Hampshire. }

AN ACT REGULATING PROCESS IN CERTAIN CASES,

[Approved January 2, 1829. Acts, vol. 26, p. 297. Session Laws, 1828, Chap. 93. Laws, 1830 ed., p. 152. Partly repealed by act of January 13, 1837, Session Laws, 1836, November session, Chap. 278. Wholly repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General court convened, That when process shall have issued in any other of the United States, against any person for a crime alleged to have been committed in such state, and the person

against whom the process issued, shall have made his escape into this State, any Justice of the Peace in this State, on application made to him, and on sufficient proof that such process issued from lawful authority, shall issue his warrant directed to all proper officers in the County for which such Justice is commissioned, or to any person by name, who shall be under oath to the faithful execution thereof, requiring the person or persons to whom the same warrant may be directed, to apprehend the said offender, if he may be found in such County, and bring him before some Justice of the Peace for such County, and the Justice before whom the same warrant may be returned, may if he shall think proper on examination, send such offender by warrant, to the line of this State next to the State in which the original process issued that he may be delivered to some proper officer there ready to receive him, and convey him to the place where the offence may be alleged to have been committed; and the Sheriffs of the respective Counties in this State, and all other persons to whom such warrant may be lawfully directed, are hereby required to obey and execute the same.

Section 2. And be it further enacted, That where any offender shall be apprehended in any neighboring State, and it may be necessary to carry him through this State, in order that he may be conveyed to the place where the offence was committed, it shall be the duty of any Justice of the Peace in this State, on application made to him, and proof that lawful process hath issued against such offender, by warrant under his hand and seal, directed to the Sheriffs in such counties through which it may be necessary to convey such offender, or to other proper officers in such Counties, or to any other person by name who shall be under oath to the faithful execution thereof, to cause such offender to be conveyed to the line of this State next to the State where the offence was committed, there to be delivered to some proper officer ready to receive him; and the several persons to whom such warrant may be lawfully directed as aforesaid are hereby required to obey and execute the same.

Section 3 And be it further enacted, That the Sheriffs', deputy Sheriffs, constables or other officers of Justice of any neighboring government, with their assistants on the execution of any lawful process, issuing from or returnable to Courts in their respective States, may and shall have full liberty, power and authority to pass and repass, and also to convey such persons or things as they may have in their custody by virtue of any such lawful process as aforesaid, in or by any of the roads or ways lying in, or leading through any towns or lands in this State, in as full, free and ample a manner, as the officers of justice in this State do or lawfully may use and exercise in the discharge of the duties of their respective offices.

And any person insulting or obstructing such officer so passing through any part of this State in such execution of his office as aforesaid, shall be liable to the same punishment as by law may be

inflicted on persons insulting or obstructing similar officers of this State, in the execution of their offices in similar cases.

Section 4. And be it further enacted, That when any Justice of the Peace in any County in this State shall issue his warrant against any person for an offence committed in such County, and the offender escape into any other County in this State, any Justice of the Peace in any County in this State where such offender may be found, on application made to him, and proof of such process having issued from lawful authority, shall issue his warrant directed to all proper officers in his County, requiring them to apprehend the said offender and convey him to the line of the County where the offence is alleged to have been committed, if an adjoining County, and there deliver him to some proper officer; and if there be any County intervening, the same process may be repeated until the offender be conveyed and delivered to some proper officer in the County where the offence is alleged to have been committed.

Section 5. And be it further enacted, That any justice throughout this State, may issue a warrant for apprehending any criminal offender in any County in this State, and the said warrant may be directed to the Sheriff or his deputy of any County in this State or other proper officer or person who shall be under oath to the faithful execution thereof; and the said warrant shall be obeyed and executed by the person, to whom it may be lawfully directed according to the precept thereof.

Section 6. And be it further enacted, That when a certificate shall issue from the Clerk of any Judicial Court in any other of the United States certifying that there is a criminal cause pending in such Court, and that a person or persons residing in this State, is supposed to be a material witness in such cause either in behalf of such State or the person accused, any Justice of the Peace in the County where such necessary witness may reside on application made to him shall on the back of such certificate, or paper annexed thereto issue a summons requiring such witness to appear and testify at the Court where such cause may be pending, and if any person so summoned and having tendered unto him a sum equal to twelve cents for every mile's travel from the place of such witnesses abode, to the court where the trial may be, and one dollar and fifty cents at the end of every day for such witnesses attendance at the place of trial, and such witness having no reasonable excuse to the contrary shall neglect to appear and attend said Court and testify as aforesaid; every such person so neglecting and refusing, shall forfeit and pay the sum of three hundred Dollars to any person, whether an inhabitant of this State or not, who shall sue for the same in this State.

[CHAPTER 94.]

State of }
New Hampshire. }

AN ACT REGULATING PROCESS AND TRIALS IN CIVIL CAUSES.

[Approved January 2, 1829. Acts, vol. 26, p. 305. Session Laws, 1828, Chap. 94. Laws, 1830 ed., p. 88. See also acts of February 9, 1791, Laws of New Hampshire, vol. 5, p. 621; December 11, 1792, id., vol. 6, p. 58; December 13, 1796, id., p. 371; June 21, 1797, id., p. 407; November 5, 1813, id., vol. 8, p. 273; June 29, 1825, *ante*, p. 419; July 7, 1826, *ante*, p. 539, and December 10, 1840, Session Laws, 1840, November session, Chap. 562. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that all writs and processes issuing from the Superior Court of Judicature and Court of common pleas shall be in the name of the State of New Hampshire, shall be under the seal of the court whence they issue shall bear teste of the first Justice of the Court who is not a party and be signed by the clerk of such court: and may be directed to the sheriff or his deputy of any county in the state, and shall have force in any county and be obeyed and executed by any officer to whom the same shall be lawfully directed. And all original process in either of the courts aforesaid shall be summons or attachment and shall be made out in the forms by law prescribed; and in civil causes shall be served and executed fifteen days before the sitting of the court to which such process is returnable and shall be by the officer who executed the same returned to the court whence it issued agreeably to the command therein given. And all writs issuing from any Justice of the Peace shall be in the form by law prescribed, shall be under seal signed by the Justice, and may be directed to the sheriff, or his deputy of the county for which such Justice is commissioned or to any of the constables of any town in the same county.

Provided that no person shall be liable to be arrested and imprisoned on any writ, mesne process or execution in any action founded on a contract made after the first day of January in the year of our Lord one thousand eight hundred and nineteen unless the debt or damage for the recovery of which such action may be brought shall exceed the sum of thirteen dollars and thirty three cents. And in such cases the writ process or execution, shall not run against the body of the debtor. but shall be in all other respects according to the forms established by law.

Section 2. And be it further enacted that all writs summonses declarations processes, indictments, answers, replications and entries in the courts of Justice, and before Justices of the Peace in this state shall be in the English tongue and no other.

Section 3. And be it further enacted that no summons writ

declaration return, process judgement or other proceeding in the courts or course of Justice shall be abated, quashed or reversed for any kind of circumstantial errors or mistakes, or for any errors or mistakes where the person or case may be rightly understood and intended by the court nor through defect or want of form only. And Justices of the Peace and the Justices of the Superior Court, and of the court of common Pleas are respectively empowered on motion made to order amendment in any of the cases aforesaid.

Section 4. And be it further enacted that all personal or transitory actions where both parties are inhabitants of this state may be commenced in the county where either of the parties to the writ may be an inhabitant and not elsewhere.

Section 5. And be it further enacted that in all actions now pending or that may be hereafter pending in any court in this state where the defence intended to be set up by the defendant is or may be that he was, a Justice of the Peace, sheriff Deputy sheriff coroner, town or parish officer or some other officer civil or military, and that the act or thing for which he is or may be sued, is an act or thing done by him in the execution of his office, the defendant may plead the general issue and give the special matter in evidence upon filing in the cause a brief statement of such special matter of defence within such time as the court shall order, of which statement the plaintiff shall be entitled to a copy.

Section 6. And be it further enacted that every action tried in the superior court of Judicature and all actions tried in the court of common pleas of which that court has final jurisdiction may be reviewed. And the party bringing such action of review shall produce in court attested copies of the writ, judgement and all papers used and filed at the former trial. And either party may offer any new or further evidence; and the cause shall be tried in the same manner as if no judgement had been given therein; and the former judgement may be reversed wholly or in part; and greater damages, or less, or no damages may be given as the merits of the cause upon the law and the evidence shall appear to require in the same manner as if both parties had brought their several writs of review, And such actions shall be tried on the pleas made upon the former trial upon record.

Provided that no action of review shall be brought after the expiration of one year from the time of rendering the judgement to be reviewed, saving unto any infant, feme covert, person non compos mentis, in captivity or out of the United States of america the right of such review any time within one year after such disability shall be removed. Provided further that no action of review shall be brought where by any particular statute in any particular case the liberty of review shall be expressly taken away. Provided also that in any action of review pending in any court in this state the Justices thereof shall have power to order any amendment of the origi-

nal writ record or proceedings in any part thereof upon such terms and conditions as they may consider just and reasonable. And execution shall not be stayed by reason of any process of review.

Section 7. And be it further enacted that when any party shall be desirous of reviewing any action and the other party shall not be an inhabitant of this state, the writ may be served upon the agent or attorney who endorsed the original writ if such absent party was originally plaintiff or in case such party was originally defendant, then on the attorney who appeared for the defendant at the trial where the judgement reviewed was rendered or shall cause a copy of the writ of review to be served on the adverse party: although out of the state and affidavit thereof to be made. And in cases where personal notice is not given the court may continue the cause one or more terms in order that the absent party may have notice of the writ. And such writ of review shall be served by reading the same to the party or to the agent or attorney as aforesaid or by leaving an attested copy as in other cases whether there be one or more plaintiffs or defendants.

Section 8. And be it further enacted that if any person shall cause process to be served upon another for any matter or cause and shall neglect to enter his said process before the Justice or at the court to which the same is returnable according to law; the said Justice and the several courts of Judicature are respectively empowered upon complaint to tax costs for the defendant and to issue execution therefor; and if the plaintiff after entry of his action shall become nonsuit the defendant shall be allowed his reasonable costs.

Section 9. And be it further enacted that when any defendant shall be duly served with process and return thereof shall be made unto the justice or unto the court, to which the same is returnable and such defendant shall not appear by himself or his attorney, his default shall be recorded and the charge in the declaration shall be taken and deemed to be true and the Justice and the courts respectively shall thereupon give judgement for such damages as they shall find upon enquiry that the plaintiff hath sustained, provided nevertheless that if the defendant shall after such default is recorded and before the jury attending the same court when and where such default was made shall have been dismissed or in case such default be made before any justice of the peace, then before the justice, the plaintiff and his witnesses shall have dispersed come into court and request that the default may be taken off and that he may have his day in court the same shall be granted unto him upon his paying to the adverse party, the cost that then shall have arisen or so much thereof as the court or justice shall judge reasonable.

Section 10. And be it further enacted that all original writs issuing out of the superior court of judicature or the court of common pleas shall before they are served, be endorsed on the back

thereof by and with the name of the plaintiff if he be an inhabitant of this state or in like manner by his agent or attorney being an inhabitant of this state and when the plaintiff is not an inhabitant of this state then the writ shall be endorsed in the manner aforesaid by some responsible person who is an inhabitant of this state; and the plaintiff's agent or attorney who shall so endorse his name as aforesaid shall be liable in case of the plaintiffs living out of the state or upon the neglect inability or avoidance of the plaintiff and return of non est inventus or that such execution as may have issued against the plaintiff is unsatisfied to pay to the defendant all such costs as he shall recover where the plaintiff shall not support his action on scire facias to be brought against such endorser. Provided such scire facias shall be served upon the endorser previously to the second term of the court after entering up final judgement against the plaintiff and not afterwards

Section 11. And be it further enacted, that all writs of summons, scire facias, and writs of dower shall be served by reading the same to the defendant or by leaving an attested copy thereof with a copy of the return endorsed thereon at the last and usual place of such defendants abode; and a copy of the writ of dower shall also be left with the tenant or occupant of the land whereof dower is demanded. And when the goods or estate of any person shall be attached at the suit of another in any civil action a summons in form of law as is prescribed shall be delivered to the party whose goods or estate are attached or left at his or her dwelling house or last and usual place of abode fifteen days before the day of the sitting of the court to which such writ of attachment is returnable; and all such summonses shall set forth the sum in the note or bond declared on with the endorsements thereon with the dates thereof the amount of the account annexed to the writ or declared on, in covenant what sum in damages is demanded and for what and in all cases shall briefly give the same information to the defendant which the declaration gives more at large and shall contain the substance thereof and the officer serving or leaving such summons shall also endorse his name before he leaves it on the back thereof, otherwise the writ shall abate.

Section 12. And be it further enacted that in case the defendant at the time of the service of any writ be not an inhabitant or resident in this state and the writ be not served on him in person, but his goods or estate within this state are attached then an attested copy of the writ and a particular description of the lands or goods attached thereby shall be given to the defendant or left at his last and usual place of abode: and the giving or leaving of such copy shall be certified by the officer who made the attachment or by some proper officer to execute the same in the state where the defendant lives, or by some other person and affidavit thereof made: or such copy may be left with the defendant's agent lawfully author-

ized to appear for him or with the defendant's tenant living on or near the land attached

Section 13. And be it further enacted that when a suit shall be brought against a person who is not an inhabitant or resident in this state and no personal service be made on the defendant: or when the person against whom any suit is brought shall be absent from this state at the time of commencing such suit and shall not have returned at the time appointed for the trial, the Justices of the court before whom such suit is, shall continue the action to the next term, and if the defendant do not appear at the next term by himself or attorney, the court shall further continue the action to the next term unless the plaintiff shall produce evidence sufficient to satisfy the court that the defendant has had notice of the suit or process, a sufficient time before such term to have appeared at such court; and in all such cases where judgement is entered up by default after two continuances, as aforesaid and no notice proved as aforesaid, the proof of which notice shall always be in writing and filed in the cause, execution or writ of seizin shall not issue until the plaintiff or demandant shall have given bond with sufficient surety in double the value of the estate or sum recovered by such judgement to respond the judgement that may be rendered on action of review brought to reverse such original judgement which action may be brought by the defendant at any time within one year next after rendering such original judgement and such plaintiff in review may have the benefit of all pleas and advantages, that he might have had, if he had appeared and pleaded to the original suit. Provided always that if the plaintiff in such original suit shall consent to have the suit continued from term to term, six terms from the commencement without any costs after the second term except the clerks fees, he shall not be obliged to give any bond, and the defendant shall not be entitled to any review

Section 14. And be it further enacted that in any action now commenced or which may hereafter be commenced against any person who is not an inhabitant or resident in this state, or against any person whose residence shall not be known to the officer serving the writ and the goods or estate of the defendant within this state shall be attached but no personal service be made on the defendant, the justices of the court before whom such writ shall be pending on suggestion thereof shall order the said action to be continued to the next term of said court, and may order notice to be given of the pendency of such suit by publication of a notice in such form as the said court may order in such newspaper or newspapers printed within this state, and for such period of time not less than thirty days, as the court may direct. the last publication thereof to be at least thirty days prior to the term of said court to which said action shall be continued; and the said court may, if

they think proper, order a like notice to be published in some newspaper printed without this state, and the publication, so ordered, sufficient evidence thereof being produced to the satisfaction of said court, shall be deemed and taken to be sufficient notice to the defendant of such suit. And in case the defendant being so notified shall not appear by himself or attorney at the term of said court to which said action may be continued, judgement shall be entered against him by default, and such judgement shall be as valid and effectual to all intents and purposes, as it would be, in case the defendant had personal notice of such suit.

Section 15. And be it further enacted that in any action commenced before a Justice of the Peace against any person by attachment of his goods or chattels, if no personal service be made upon the defendant by reason that his place of abode shall not be known to the officer serving said writ, the justice, before whom said suit shall be pending, such fact appearing by the officers return shall order such action to be continued for a term not less than sixty days nor more than ninety days: and shall order notice to be given of the pendency of such suit by posting up a notification thereof in two public places in the town where the defendant was last known to be an inhabitant or resident in this state forty days at least before the day to which said action shall be continued. And if the defendant shall not appear before said justice at the time and place to which said action shall be continued and no satisfactory evidence being furnished to said Justice that said defendant has had notice of said suit, said justice shall order said action to be further continued for a time not less than thirty days nor more than forty days. And if the defendant shall not appear at the time and place to which the action shall last be continued and satisfactory evidence being furnished that notice was posted as aforesaid, judgement shall be rendered against the defendant by default; and in all such cases where judgement shall be rendered by default after two continuances as aforesaid and no evidence furnished that the defendant has had notice of the pendency of such suit which evidence shall always be in writing and filed with the justice execution shall not issue until the plaintiff shall give bond, which shall be filed with the justice, with sufficient surety; in double the amount of the sum recovered by said judgement, to respond the judgement, that may be recovered in an action of review which may be commenced and prosecuted by said defendant before said Justice at any time within two years next after the rendering of such judgement. And such plaintiff in review may have the benefit of all pleas and advantages, that he might have had, if he had appeared and pleaded to the original suit.

Section 16. And be it further enacted, that no person imprisoned upon mesne process, shall be holden in prison by virtue of such

process after judgement shall be rendered on such process, on which such prisoner may have execution against the Plaintiff; or above the space of thirty days next after judgement shall be rendered thereon, upon which the creditor may have execution: nor shall the prison keeper discharge a person committed on mesne process where judgement shall be given on such mesne process for the plaintiff on which execution may be taken out, until the expiration of thirty days from the time of rendering such judgement as aforesaid; that the creditor may if he please take his body in execution, unless the creditor shall by writing under his hand order the prison keeper sooner to discharge such prisoner. And all goods or estate attached to respond the judgement that may be given in any suit shall be held until the expiration of thirty days next after the rendering of such judgement on which the plaintiff may have execution, or until judgement be rendered thereon for the defendant upon which he may have execution against the plaintiff to the intent that the plaintiff may levy his execution on the same goods or estate unless judgement shall be sooner otherwise satisfied.

Section 17. And be it further enacted, that, in all cases when an appeal is claimed and allowed, the appellant shall produce at the court to which the appeal is claimed attested copies of the writ, judgement and all other papers, used and filed in the cause in the court below. And each party on the trial of an appeal shall be allowed the benefit of any new and further evidence, and the appellant shall pay the entry and jury fees in the court above. And, if any such appellant shall neglect to enter his appeal at the court above, the justices of the last mentioned court shall, on complaint, made by the appellee, affirm the former judgement in whole or in part, in case the same was on demurrer, as to them may seem just and reasonable, with additional damages not exceeding the lawful interest and costs; and in case the appellant shall not produce an attested copy of the case as aforesaid, or shall not before the cause is committed to the jury, secure the payment of the Jury fees, to the satisfaction of the court, he shall become nonsuit and cost shall be taxed for the appellee.

Section 18. And be it further enacted, that the superior court of Judicature, the court of common pleas and Justices of the Peace respectively, be empowered to issue executions in form by law prescribed on every judgement by them respectively rendered, where no appeal is by law allowed or where no appeal hath been or can be by law claimed or granted. Provided always that no execution shall in any case issue until the expiration of twenty four hours next after rendering judgement, nor then, unless the right of appeal hath expired.

Section 19. And be it further enacted, that no judge shall sit in the trial of any cause or appeal, which he has before tried in the court below, nor shall he be admitted as an attorney to plead

or defend any cause, in which he has acted as a judge; nor shall any man sit as a judge in any cause, where he has been concerned as a party or an attorney.

Section 20. And be it further enacted, that when on a plea in abatement the judgement of a Justice of the Peace or of the court of common pleas, shall be that the writ abate, and an appeal shall be claimed from the judgement, if the court above shall reverse the said judgement, the said last mentioned court shall order the defendant to plead to the merits in the same court and proceed in the cause to judgement.

Section 21. And be it further enacted, that no person, against whom any real action or any action of ejectment, or trespass and ejectment, shall be brought, shall be liable to be arrested on mesne process in such suit. And in any such action, the writ shall not abate because all the tenants are not named in it, but those, on whom the writ shall be served, shall answer for such part of the premises demanded as he, she, or they, claim, and may disclaim as to the residue. And if any shall disclaim the whole, unless the plaintiff shall maintain his writ as to the whole or a part of the demanded premises, the person so disclaiming shall recover costs against the plaintiff.

Section 22. And be it further enacted, that in case of the death of either party, appellant or appellee, before the sitting of the court to which the appeal is made, or where any action is or shall be pending in any court of common pleas, or superior court of Judicature in this state, and either party die before final judgement the action or writ shall not thereby be abated, but the executor or administrator of such deceased party, in case the cause of action does by law survive, shall have full power to prosecute or defend any such suit, action, or appeal, to final judgement and the defendant or defendants are hereby obliged to answer thereto accordingly: and the court, before whom such cause may, be, is hereby empowered and directed to hear and determine the same and to render judgement for or against the executor or administrator in the same manner, as if the action had been originally brought by or against such executor or administrator, and if the executor or administrator of a deceased party, having been duly served with a scire facias from the office of the clerk of the court where the suit is pending fifteen days before the sitting of the court to which the same is returnable, shall neglect or refuse to become a party to the suit the court may render judgement against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. And in all cases where an executor or administrator shall become a party to such suit, he shall on motion be entitled to one continuance of course.

Section 23. And be it further enacted, that all actions of tres-

pass for breaking and entering any close, or upon any real property, actions upon the case for trover and conversion, actions of debt or on the case against any sheriff or his deputy for any illegal doings or misconduct in office, actions of ejectment or trespass and ejectment, and actions of trespass for taking and carrying away goods and chattels, shall not abate by reason of the death of either party, but shall and may be prosecuted to final judgement and execution and be reviewed in the same manner as other actions, the cause whereof does by law survive, may be prosecuted and reviewed.

Section 24. And be it further enacted, that if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiff's against the surviving defendant or defendants, the writ or action shall not thereby be abated, but such death being suggested, upon the record the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants. And in all cases, where any party shall die and the cause of action by law survives, and is prosecuted by or against the executors or administrators, the attachment made on the original writ shall be and remain good in the same manner as though such party had not died.

Section 25. And be it further enacted, that when the real estate of any person or persons in this state shall be attached on mesne process by virtue of any writ or process, the officer making such attachment shall leave a true and attested copy of such writ or process together with a true and attested copy of his return thereon at the office of the town clerk of the town or place in which such real estate lies: and the dwelling house of each town clerk shall be his office for said purpose: and the attachment of such real estate shall not be deemed and considered as made, until such attested copies shall have been left in manner aforesaid. And in case there be no town clerks in such town or place, then the officer making such attachment shall leave within ten days after such attachment shall have been made a copy of such writ or process, and return as before required with the clerk of the court of common pleas in the county, where such estate lies. And in such case the attachment shall not be considered as made until such attested copy shall have been left with the clerk in manner aforesaid. Provided however that the return of the officer shall always be deemed and taken as sufficient evidence that such attested copy as aforesaid has been left with the town clerk, or clerks of the court of common Pleas, as in this act is required. And provided further, that it shall not be deemed necessary to the validity of the attachment that the officer making that attachment shall go on to the land.

Section 26. And be it further enacted, that it shall be the duty of such town clerk or clerk of the court of common pleas to receive

such copies and to minute thereon the time when such copies are received and to keep the same on file: for which services he shall be entitled to receive of such officer the sum of seventeen cents: and the officer making such attachment and leaving such copies shall be entitled to tax in addition to his other fees the travel from the place where the attachment is made to the office of such town clerk, or clerk of the court of common pleas. and also for such copies.

Section 27. And be it further enacted, that at any time before the sitting of any court to which any writ shall be returnable, or at any time before judgement shall be rendered in any suit, the defendant may apply to the plaintiff's attorney, who brought the action, and tender him the amount of the debt and costs, and such tender shall be a bar to any further proceedings in such cause.

Section 28. And be it further enacted, that when any person shall commence an action on any judgement obtained before a justice of the peace or in any court of common pleas, or in the superior court of Judicature in this state, upon which execution might at the time of commencing such action, have issued, if the court or Justice, before whom such action is brought shall be of opinion that such action is brought to vex and harass the defendant and with design to increase the costs, and that the plaintiff might have availed himself of an execution on the same judgement in a manner equally advantageous for obtaining his demand of his debtor as that of a suit on the judgement, then in every such case the court or Justice before whom any such action may be brought shall not render judgement for costs in such suit in favour of the plaintiff

Section 29. And be it further enacted that the clerks of the courts in this state shall be empowered respectively to grant summons for witnesses in all causes pending in their respective courts; the summons to be directed to the person to be summoned, and to be made out in the form by law prescribed.

And every justice of the peace is hereby empowered to grant summons for witnesses in all cases triable or pending in any court in this state and in all matters before the general court and in all causes pending before himself, or any other justice and in all matters triable before referees or arbitrators and to grant summons for witnesses to appear before him at a certain time and place to give a deposition in any matter or cause where the same may be lawfully taken; such summons to be similar to that to be granted by the clerks of the courts & to be directed to the person to be summoned as aforesaid

Section 30. And be it further enacted, that if any person served with lawful process or summons before any court, justice or referees to testify or give a deposition in any cause where the same may be lawfully taken and having tendered unto him or her the fees by law established for the travel of a witness from the place where

such witness lives or resides to and from the place or court where such witness is required to appear and testify or give a deposition as aforesaid and also the fees for one days attendance, if such attendance is required, if such witness shall neglect to attend and give his attendance as long as the same shall be necessary for the purpose for which he was summoned; or refuse to testify and give his deposition if so required such witness having no reasonable excuse for such neglect or refusal, every witness, so making default or refusal, shall be liable to the action of the aggrieved party for all damages such party shall sustain by such default or refusal. And the court before whom any witness is required to appear and testify, and every justice of the peace before whom any witness is required to appear and testify are hereby respectively empowered to bring any witness having been duly and lawfully summoned, neglecting or refusing to appear and testify by attachment before them, and if upon examination it shall appear to such court or Justice, that such witness had no reasonable excuse for such neglect or refusal, to fine him for such neglect or refusal, the fine, to be imposed by any court, not to exceed fifty dollars, and the fine to be imposed by a Justice of the Peace not to exceed ten Dollars; and the court and Justice respectively may order him to pay costs.

Section 31. And be it further enacted that all acts and parts of acts heretofore passed within the purview of this act, be and the same hereby are repealed

[CHAPTER 95.]

State of }
New Hampshire. }

AN ACT TO DECLARE THE JURISDICTION OF THE COURT OF COMMON PLEAS AND THE SUPERIOR COURT OF JUDICATURE, AND TO REGULATE THE PROCEEDINGS IN THE SAME COURTS.

[Approved January 2, 1829. Acts, vol. 26, p. 331. Session Laws, 1828, Chap. 95. Laws, 1830 ed., p. 507. See also acts of June 29, 1818, Laws of New Hampshire, vol. 8, p. 736; June 21, 1821, *ante*, p. 13; July 7, 1827, *ante*, p. 683, and December 29, 1832, Session Laws, 1832, Chap. 89. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the Court of Common Pleas, for the State of New Hampshire, as now by law established, consisting of a Chief Justice and two associate Justices, shall be held by two or more of said Justices in each County in the State, at the times and places by law appointed and established, and shall have original jurisdiction in all civil actions arising within the said Counties respectively, excepting those in which Justices of the peace

have jurisdiction; and appellate jurisdiction, in all appeals from Justices of the peace both in civil actions and in criminal prosecutions, and final jurisdiction in cases of bastardy and in all personal actions, wherein the sum demanded in damages shall not exceed fifty dollars; and shall have all other power, authority, and jurisdiction which the said court now has, or by law ought to have.

Sec. 2—And be it further enacted, that any party, aggrieved at any judgement, not rendered on default, of the Court of Common Pleas, in any real action, or in any personal action, wherein issue has been joined, in which the sum demanded in damages, shall exceed fifty dollars, may appeal therefrom to the next superior Court of Judicature to be holden within and for the County where such judgment may have been rendered—and where any such appeal shall be made by any plaintiff, and he shall not recover a greater sum in the Superior Court of Judicature, than in the Court of Common Pleas, then, unless in the opinion of the said Court, the party so appealing had a reasonable expectation of recovering a greater sum, he shall not recover his costs in such appeal, but the defendant shall recover his costs, and shall have a separate judgment therefor. And when an appeal shall be made by a defendant, and he shall not reduce the damages recovered in the Court of Common Pleas, the plaintiff shall recover double costs of suit accruing on the appeal. And in case the party appealing shall neglect to enter his appeal, the Superior Court, at the term to which such appeal was claimed, may, upon complaint, proceed to render judgment thereon, agreeably to the provisions of this act.

Sec. 3. And be it further enacted that the Superior Court shall set off such judgment, as the defendant may recover, against the judgment which the plaintiff may recover in said suit, or such judgment as may be recovered by the plaintiff against the judgment which the defendant may recover in said suit. And the appellant shall produce in the Superior Court attested copies of the writ, judgment and proceedings, and of all the papers used and filed in the Court below—

Sec. 4. And be it further enacted, that any party may allege exceptions to any opinion, direction or judgment of said Court of Common Pleas, in any matter of law happening in any action in which said Court has final jurisdiction; which, being reduced to writing in a summary mode, and being presented to the Court before the adjournment thereof, without day, and found conformable to the truth of the case, shall be allowed and signed by the presiding Judge of said Court; which exceptions shall be filed and become a part of the record—

Sec. 5. And be it further enacted, that in all actions of the case for slanderous words; all actions of assault and battery; all actions for imprisonment, all actions for malicious prosecutions hereafter commenced and prosecuted in the Court of Common Pleas, if the

jury who enquire of the damages, do assess the same under thirteen dollars and thirty three cents, then the plaintiff or plaintiffs in any such action, shall have and recover only so much cost as damages; and in all actions of trespass, *quare clausum fregit*, commenced in the same Court, where the title of real estate is not in question, if the damages found by the jury do not amount to thirteen dollars and thirty three cents, the Court may allow only such sum in costs as they shall think proper, not exceeding the sum found by the jury; and in all other actions commenced in the Court of Common Pleas, if it shall appear to the Justices of said Court that the plaintiff or plaintiffs had no reasonable expectation of recovering more than thirteen dollars and thirty three cents in damages, in such *suit*, the Justices of the said Court may limit the plaintiff or plaintiffs in their costs, to such sum as they may think just and reasonable, all circumstances duly considered.—

Sec. 6. And be it further enacted, that the said Court of Common Pleas shall have a Clerk in each County to keep the records in their respective Counties, to whom the same fees shall be paid, as by law are required to be paid to the Clerks of the Superior Court.— And the Clerks of the said Court of Common Pleas, shall immediately after each term of said Court in the respective counties, account with and pay over to the respective County Treasurers all monies by them received for the use of the counties; and it shall be the duty of the Justice presiding at each term of said Court, at the close thereof, to certify the account of said Clerk. And there shall be paid to the Clerk of the Superior Court of Judicature for the entry of each appeal from the Common Pleas, fifty cents. And the costs to be allowed parties recovering judgment in the Courts of Common Pleas, shall be the same, as are by law allowed in the Superior Court.—

Sec. 7. An be it further enacted, that the Chief Justice of the said Court of Common Pleas, shall, during his continuance in office, receive from the Treasury of this State, in full for his services, the sum of twelve hundred dollars, annually, in quarter yearly payments; and the associate Justices shall receive the sum of ten hundred dollars, in like manner.

Sec. 8.—And be it further enacted, that the Superior Court of Judicature, as now by law established, consisting of a Chief Justice and two Associate Justices, shall be held by two or more of said Justices, in each County of the State, at the times and places by law appointed and established, and shall have original jurisdiction, concurrent with the said Court of Common Pleas, of all real actions, and of all personal actions wherein the sum demanded in damages shall exceed one hundred dollars; and shall have jurisdiction of all other actions, suits and prosecutions between party and party, and between the State and any of its citizens, when legally brought before the said Court, by appeal, writ of error or otherwise; and shall

also take cognizance of all capital and other crimes and offences, and shall have and exercise all the power, authority and Jurisdiction, which the said Court now has and exercises, or by law ought to have and exercise.—

Sec. 9. And be it further enacted, that the Superior Court of Judicature shall have chancery powers and jurisdiction in cases of gifts, grants, devises, donations and appointments of any lands, tenements, rents, hereditaments, corporeal or incorporeal goods, chattels, money, securities for money, or other personal estate whatever, which heretofore have been, or hereafter may be given, granted, made, or appointed, to or for any charitable uses. And for the remedy of abuses and breaches of trust in the cases aforesaid, and for carrying into effect the intentions of the grantors and donors, the said Court shall make such orders, decrees and judgments, that the said lands, tenements, rents, hereditaments, goods, chattels, money, securities for money and other personal estate, may be faithfully employed for the charitable uses to which they were, or may be given, granted, or appointed according to the true intent and meaning of the grantors or donors thereof.—And the powers and jurisdiction, thus vested in the Superior Court, shall be exercised according to the established principles of chancery, as far as shall be consistent with the laws and constitution of this State.—And the proceedings to be had in said Court in pursuance of these provisions, shall be in conformity with the usual practise of Courts of Chancery in like cases, and reasonable costs shall be allowed to the prevailing party.—And when informations shall be filed by the Attorney General, at the relation of individuals, they shall give security for the payment of costs, in such manner as the Court may direct.—

Sec. 10. And be it further enacted, that the Superior Court of Judicature shall have a Clerk, in each County, to keep the records in their respective Counties. And the Clerks of the Superior Court shall, immediately after each term of said Court, in their respective Counties, account with and pay over to the respective County treasurers, all monies by them received, for the use of the Counties.—

Sec. 11.—And be it further enacted, that the Superior Court of Judicature and the Court of Common Pleas shall have power and authority respectively to adjourn their sittings, from time to time, as they may think proper. And any Justice, of either of the said Courts, being present at the place where, and the time when, the Court to which he belongs, is by law to be holden, may adjourn the same Court, from day to day, until a quorum be convened; and when it shall so happen, that, by death, sickness or otherwise, a quorum of either court cannot attend, at the time and place by law appointed, for holding such Court, any Justice of such Court, may, by writ, direct the Sheriff to repair to the place, where such Court is by law to be holden, on the day appointed for holding the same,

and adjourn the same Court to some day antecedent to the next term; and if at such, or any other adjournment, a quorum of the Court cannot attend, any one of the Justices present, shall have power to continue all causes then pending in the same Court, to the next stated term.—

Sec. 12—And be it further enacted, that the Justices of the Superior Court of Judicature and of the Court of Common Pleas be respectively empowered to make all necessary rules for the more orderly practising in their respective Courts, provided said rules shall not be repugnant to the constitution and laws of this State; and to appoint Clerks in their respective Courts, who shall be under oath for the faithful discharge of the duties of said office, and who shall hold their offices, during the pleasure of the Court—

Sec. 13—And be it further enacted, that in all causes brought before the Superior Court of Judicature, or before the Court of Common Pleas, to recover the forfeiture annexed to any articles of agreement, covenant, contract, or charter party, bond, obligation or other specialty; or for the forfeiture of real estate upon condition by deed of mortgage, or bargain and sale with defeasance, when the forfeiture, breach or nonperformance shall be found by the Jury, by the default or confession of the defendant, or upon demurrer, the Court, before whom the action is, shall make up judgment therein for the plaintiff to recover so much as is due according to equity and good conscience; but in real actions on mortgage, or bargain and sale with defeasance, the judgment shall be conditional, that if the mortgagor, or vender, his heirs, executors or administrators, shall pay unto the mortgagee or vendee, his executors or administrators, such sum as the Court shall adjudge due, within two months from the time of entering up judgment, with interest, then the same judgment shall be void and discharged, otherwise that the demandant shall have his writ of possession.—Provided always that when any action shall be brought and prosecuted on any bond, or other specialty, with penalty for the payment of any sums of money, performance of covenants, contracts, agreements, matters or things to be done at several times, some of which times shall not have expired, and the plaintiff recover the forfeiture of any such penalty, the Court shall enter up judgment for the whole of such forfeiture, and award execution only for so much of the debt or damage, as is justly due or sustained at that time; and the plaintiff, his executors or administrators, at any time afterwards, may have from the Court where such judgment was rendered, a writ of scire facias against the defendant, his heirs, executors or administrators, to shew cause why execution should not be awarded upon said judgment, for other and further damages, by reason of the non performance or breach of the contracts, covenants, agreements, or things in such bonds or specialties contained, and the time for the performance of which had not elapsed, at the time of awarding execution as aforesaid—

Sec. 14—And be it further enacted, that whenever it shall happen in consequence of any legal disqualification of two of the Justices, either of the Superior Court, or of the Court of Common Pleas, that there shall not be a quorum of said Justices for the trial of any cause pending in either of said Courts respectively, any one of the Justices in their respective Courts, not disqualified as aforesaid, shall hear, try and determine such cause, and make any order relative thereto, and award execution thereon, in the same manner as all the Justices of said Court might do, if present and competent to try the same—

Sec. 15—And be it further enacted, that all acts and parts of acts heretofore passed, within the purview of this act, be and the same hereby are repealed—

[CHAPTER 96.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT PROVIDING FOR THE APPOINTMENT AND DEFINING THE POWERS OF COMMISSIONERS OF GAOL DELIVERY

[Approved January 2, 1829. Acts, vol. 26, p. 343. Session Laws, 1828, Chap. 96. Laws, 1830 ed., p. 480. The act referred to is probably dated December 29, 1828, *ante*, p. 796. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, that for the County of Rockingham there shall be appointed and commissioned by the Governor and Council, with the same powers and under the same limitations as are provided in the act to which this act is in addition, three suitable persons in addition to those whose appointment is provided for in said act, as Commissioners of Gaol delivery, three of whom, to be designated by the Governor and Council shall constitute a Board for the performance of all the duties imposed upon the Commissioners of Gaol delivery by the act to which this act is in addition at the Gaol in Portsmouth and the other three at the Gaol in Exeter in said County and at no other gaol, any thing in the act to which this is in addition to the contrary notwithstanding.

Sec 2 And be it further enacted that the Justices or Commissioners who may administer the oath prescribed by law for the ease and relief of persons imprisoned for debt, shall within thirty days thereafter return the petition and their doings thereon to the office of the Clerk of the Court of Common Pleas for the County in which such oath shall be administered and the Clerk of said Court is

hereby authorized and directed to give copies thereof to any person applying for the same, for which he shall be entitled to receive the same fees as for other copies

[CHAPTER 97.]

State of }
New Hampshire. }

AN ACT DEFINING THE POWERS AND PRESCRIBING THE DUTIES OF
EXECUTORS AND ADMINISTRATORS IN CERTAIN CASES.

[Approved January 2, 1829. Acts, vol. 26, p. 345. Session Laws, 1828, Chap. 97. Laws, 1830 ed., p. 370. See also acts of July 2, 1822, *ante*, p. 123; July 3, 1822, *ante*, p. 155, and July 1, 1825, *ante*, p. 438. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall be the duty of every Executor or Administrator of every estate which shall hereafter be administered upon as an insolvent estate and he is hereby authorized and required to keep in repair and receive the rents and profits of any real estate in this State which may belong to such testator or intestate at the time of his decease, and every such Executor or administrator shall be holden to account for the net proceeds of the same in his Administration account and the same shall be distributed according to law.

Section 2. And be it further enacted, That every such executor or administrator be and he is hereby authorized to maintain, in his said capacity, any action or actions necessary and proper to carry into effect the provisions in the preceding section of this act

Section 3. And be it further enacted, That whenever the Plaintiff in any real action shall die while the same is pending or when either Plaintiff or Defendant shall die after final judgment in any real action and pending any writ of review or while the right of review in the same action shall remain in every such case his Executor or Administrator in such original action or action of review pending, may come in at the next term of the court after such decease and in case of final judgment may bring review at any time within one year from such decease and in either case prosecute such original action or review to final judgment and execution and any recovery in any such action or review by any such executor or administrator shall be to the use and for the benefit of the creditors, heirs, or devisees of such estate and shall be administered upon and accounted for accordingly.

Section 4. And be it further enacted, That no action shall be brought against any Executor or administrator upon any claim

whatever existing against his Testator or Intestate at the time of his decease unless such action shall be commenced within three years next after such cause of action shall have been exhibited to such Executor or Administrator.

[CHAPTER 98.]

State of }
New Hampshire. }

AN ACT TO RAISE FORTY THOUSAND DOLLARS FOR THE USE OF THE STATE.

[Approved January 2, 1829. Acts, vol. 26, p. 349. Session Laws, 1828, Chap. 98.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the sum of forty thousand dollars shall be raised for the use of the State, which sum shall be assessed, collected and paid into the treasury on or before the first day of December in the year of our Lord one thousand eight hundred and twenty nine. And the Treasurer is hereby directed seasonably to issue his warrant to the Selectmen of the several towns and places within this State, according to the apportionment of the public taxes, to be made during the present session, and the said Selectmen and assessors are hereby respectively required to assess the sums specified in the said warrants, and to cause the same to be paid into the Treasury on or before the first day of December in the year of our Lord one thousand eight hundred and twenty nine, and the Treasurer is hereby authorized to issue extents for all taxes which shall then remain unpaid

[CHAPTER 99.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH SALARIES FOR THE OFFICERS OF THE COURTS OF PROBATE IN THIS STATE.

[Approved January 2, 1829. Acts, vol. 26, p. 351. Session Laws, 1828, Chap. 99. Laws, 1830 ed., p. 512. This act repeals acts of July 6, 1826, *ante*, p. 533; July 7, 1827, *ante*, p. 677, and June 19, 1828, *ante*, p. 738. See also act of July 3, 1841, Session Laws, 1841, Chap. 622. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the several judges of probate in this state, shall have and receive out of the treasury a salary to

be paid quarterly by warrant on the Treasurer of the state on the first days of January, April, July & October annually, which salary shall be in full compensation for all services, which by the laws of this state ought to be rendered by the Judges of Probate in their respective counties.

Sect. 2. And be it further enacted, that the several registers of probate in this state shall have and receive out of the Treasury a salary to be paid quarterly by warrant on the Treasurer of the state on the first days of January, April, July, and October annually upon furnishing the Governor with a certificate from the Judge of Probate in their respective counties annually on the first day of January, that the records of their respective courts are made according to law: which salary shall be in full compensation for all services, which by law ought to be rendered by the Registers of Probate in their respective courts. Provided that in all cases, where copies of the records may be called for; to be used in any place other than the court of probate where the record remains, or in the Superior Court of Probate upon appeal, the Registers of Probate may demand and receive the same fees as other certifying officers; but in no case to demand fees for copies necessary for executors, administrators, or guardians in the settlement of estates and for all fees so received, the Register shall give the person paying the same a receipt stating the amount received, and for what copies. And the Registers of Probate in the several counties shall provide, at the expence of the said counties respectively, the blanks and stationary necessary in doing the probate business and the same shall be paid to them out of the respective county Treasuries.

Sect. 3. And be it further enacted, that the Judge of Probate for the county of Rockingham shall receive the sum of Three hundred and thirty four dollars, and the Register of Probate for the same County the sum of four hundred and sixty two dollars: the Judge of Probate for the County of Strafford shall receive the sum of four hundred and twenty dollars, and the register of probate for said county the sum of five hundred and seventy five dollars: the Judge of Probate for the county of Merrimack shall receive the sum of two hundred and forty five dollars, and the register of probate for said county the sum of three hundred and forty five dollars: the Judge of Probate for the county of Hillsborough shall receive the sum of two hundred and seventy six dollars, and the register of probate for the same county the sum of three hundred and eighty three dollars: the Judge of Probate for the County of Cheshire shall receive the sum of two hundred and twenty five dollars, and the register of probate for said county the sum of three hundred dollars: the Judge of Probate for the County of Sullivan shall receive the sum of one hundred and seventy five dollars, and the register of Probate for said County the sum of two

hundred and twenty five dollars: the Judge of Probate for the county of Grafton shall receive the sum of two hundred and seventy five dollars, and the register of probate for the same county the sum of three hundred and eighty dollars: the Judge of Probate for the county of Coos shall receive the sum of one hundred dollars, and the register of probate for said county the sum of one hundred and twenty five dollars, which sums shall be in full for the annual salaries of the aforesaid officers and shall be paid to them respectively in manner as in this act is heretofore provided,—

Sect. 4. And be it further enacted, that the act entitled “An act to establish salaries for the officers of the courts of probate in this state,” passed on the sixth day of July A.D. 1826, and the act entitled “An act to provide for the transferring of certain business from the court of probate in the county of Cheshire to the court of Probate in the county of Sullivan and for other purposes” passed on the seventh day of July A.D. 1827, and an act entitled “An act providing blanks & stationary for the use of the courts of probate” passed June 19. 1828 be & the same are hereby repealed—Provided nevertheless that all things done & transacted & all rights acquired under the said acts shall be & remain unimpaired & in force in the same manner they would & ought, had the said acts remained in force.—

[CHAPTER 100.]

State of }
New Hampshire. }

AN ACT DECLARING THE LIMITS AND BOUNDARIES OF THE SEVERAL COUNTIES IN THIS STATE.

[Approved January 2, 1829. Acts, vol. 26, p. 355. Session Laws, 1828, Chap. 100. Laws, 1830 ed., p. 307. This act repeals acts of June 16, 1791, Laws of New Hampshire, vol. 5, p. 766; November 27, 1800, id., vol. 6, p. 647; December 24, 1803, id., vol. 7, p. 206; June 18, 1805, id., p. 398; June 26, 1823, *ante*, p. 210; July 1, 1823, *ante*, p. 221; December 10, 1824, *ante*, p. 301, and July 5, 1827, *ante*, p. 649. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the division of this State into eight Counties by the names of Rockingham, Strafford, Hillsborough, Cheshire, Grafton, Coos, Merrimack and Sullivan be and hereby is declared and established as follows, namely:

The County of Rockingham is bounded in the following manner, beginning at the mouth of Piscataqua river and running up the same to the easterly corner of Newmarket including the river; thence northwesterly by the easterly and northerly lines of New Market, Epping, Nottingham and Northwood to the easterly line of Pitts-

field; thence southwesterly by the northerly and westerly lines of Northwood, Deerfield, Candia, Chester and Londonderry to the northerly line of Nottingham west, thence by the northerly and easterly lines of Nottingham West to the northwest corner of Pelham, thence by the northerly line of Pelham to the State line, thence by the same line to the sea; thence by the sea to the bounds first mentioned, including all that part of the isle of shoals, which belongs to this State.

The County of Strafford is bounded in the following manner, beginning at the northerly corner of Northwood; thence by the easterly and northerly lines of Pittsfield, Loudon, Canterbury and Northfield to the northwest corner of Northfield at the Winnepisseogee river thence by the Southerly easterly and northerly line of Franklin to the Pemigewasset river, thence up the said river to the south west corner of Holderness, thence on the Southerly and easterly lines of Holderness to Sandwich, thence on the westerly and northerly lines of Sandwich, Burton, Conway and Chatham to the State line; thence down said line to the line of the County of Rockingham, thence by the said line of the County of Rockingham to the bounds first mentioned.

The County of Hillsborough is bounded in the following manner, beginning at the bound between the towns of Salem and Pelham at the State line; thence westerly by the State line to the Southeast corner of Rindge; thence by the easterly lines of Rindge, Jaffrey, Dublin, Nelson, Stoddard and Washington to the northwest corner of Hillsborough, thence by the northerly and easterly lines of Hillsborough to the southwest corner of Henniker; thence by the southerly lines of Henniker and Hopkinton to the northwest corner of Dunbarton, thence by the westerly and southerly lines of Dunbarton and Hooksett to the line of the County of Rockingham; thence by the last mentioned line to the bound first mentioned.

The County of Cheshire is bounded in the following manner, beginning at the southeast corner of Rindge; thence westerly by the State line to the west bank of Connecticut river; thence up the same bank to the northwest corner of Walpole, thence by the northerly lines of Walpole, Alstead, Marlow and Stoddard to the line of the County of Hillsborough, thence by the line of the last mentioned County to the bound first mentioned.

The County of Grafton is bounded in the following manner, beginning on the westerly bank of Connecticut River at the Southwesterly corner of Dalton, thence on the westerly & southerly line of Dalton to Whitefield thence on the westerly and southerly line of Whitefield to Bretton Woods; thence on the westerly and southerly lines of Bretton Woods, and of Nash and Sawyer's location to the southeasterly corner thereof: thence southerly on a straight line across the unlocated lands to the line of the County of Strafford, at the northwesterly corner of Burton, thence Southerly and west-

erly by the line of the County of Strafford to the Southwest corner of Holderness at the Pemigewasset or Merrimack river; thence down said river to the north line of Franklin, thence westerly on the northerly lines of Franklin, Andover, Wilmot, Springfield, Grantham and Plainfield to, the southwest corner of Lebanon on the west bank of Connecticut river; thence northerly on said bank to the bound first mentioned.

The County shall contain all the lands and waters within the limits of this State which are situated northerly of the Counties of Grafton and Strafford.

The County of Merrimack is bounded in the following manner, beginning at the North east corner of Franklin, thence southerly and easterly by the County of Strafford to the County of Rockingham, thence South westerly by the County of Rockingham to the County of Hillsborough, thence westerly and northerly by the County of Hillsborough to the northwest corner of the town of Hillsborough; thence northerly by the westerly lines of Bradford, Fishersfield, New London & Wilmot to the County of Grafton, thence southerly and easterly by the County of Grafton to the bounds first mentioned.

The County of Sullivan is bounded in the following manner, beginning at the northwest corner of Plainfield on the west bank of Connecticut River, thence easterly by the County of Grafton to the County of Merrimack, thence southerly by the County of Merrimack to the County of Hillsborough thence southerly and westerly by the Counties of Hillsborough and Cheshire to the northwest corner of the County of Cheshire on the west bank of Connecticut river, thence northerly on said bank to the bounds first mentioned.

And all the Towns, places, lands and waters within the bounds aforesaid, respectively shall be deemed, accepted named and taken as parts and members of the respective Counties aforesaid.

Section 2. And be it further enacted, That the act entitled "an act declaring the limits and boundaries of the several Counties in this State" passed on the 16 day of June A.D. 1791. The act entitled "an act to annex the town of Burton in the County of Grafton to the County of Strafford" passed on the twenty seventh day of November A.D. 1800. The act entitled "an act to constitute a County within this State by the name of the County of Coos," passed on the twenty fourth day of December A.D. 1803. The act entitled "an act in addition to an act, entitled an act to constitute a County by the name of Coos passed on the eighteenth of June A.D. 1805. The act entitled "an act to constitute a County within this State by the name of Merrimack and to repeal an act entitled "an act to change the place of holding the February term of the Superior Court of Judicature and the January term of the Court of Sessions in the County of Rockingham" passed July third 1822,

passed on the first day of July A.D. 1823. The act entitled "an act to disannex the town of Pelham from the County of Rockingham and annex the same to the County of Hillsborough" passed on the tenth day of December A.D. 1824. The act entitled an act to constitute a new County in this State by the name of Sullivan and to prescribe the times of holding the Courts in the Counties of Merrimack and Cheshire" passed on the 5th day of July A.D. 1827. The act entitled an act to disannex the town of Chatham from the County of Coos and annex the same to the County of Strafford" passed on the 26th. day of June A.D. 1823 be and the same are hereby repealed.

Provided however that the said acts shall be and continue in force in relation to all proceedings had and instituted, and all rights acquired under them previously to the passage of this act.

[CHAPTER 101.]

State of }
New Hampshire. }

AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES.

[Approved January 2, 1829. Acts, vol. 26, p. 367. Session Laws, 1828, Chap. 101. Laws, 1830 ed., p. 148. See also acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 596; February 16, 1791, id., p. 718; December 18, 1812, id., vol. 8, p. 196; June 28, 1825, *ante*, p. 415; January 2, 1829, *ante*, p. 846, and January 13, 1837, Session Laws, 1836, November session, Chap. 273. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that if any person, owing allegiance to this State, shall levy war or conspire to levy war against the same, or shall in any way give aid and comfort to the enemies of this State and shall be thereof convicted either on confession in open court, or on the testimony of two or more witnesses to the same overt act of treason, of which such person may be indicted, such person shall be adjudged guilty of treason against this State, and shall suffer death.

Section 2. And be it further enacted, that if any person, knowing any such treason to have been committed, or, knowing of the intent of any person to commit any such treason, shall not, within fourteen days from the time of his having such knowledge, give information thereof to the Governor of this State, some of the justices of the superior court of judicature or some justice of the peace, such person shall, on conviction thereof be adjudged guilty of misprison of treason and shall be punished by imprisonment in the common gaol not exceeding seven years, and by fine not exceeding two thousand dollars.

Sect. 3. And be it further enacted, that if any person shall commit wilful murder, such person shall, on conviction thereof, suffer death.

Sect. 4. And be it further enacted, that if any woman shall endeavor privately to conceal the death of any issue of her body, which, if born alive, would by law be a bastard, so that it may not come to light whether it were born alive or not, or whether it were murdered or not, in every such case the mother so offending shall be punished by imprisonment in the common gaol not exceeding two years, or may be fined not exceeding one thousand dollars. And where the grand jury shall charge in the same indictment any mother with the murder of her infant bastard child, as well as with the offence before described of concealing the death of such infant, the jury who pass upon the trial may acquit as to the murder, and convict of the said offence of concealing as aforesaid.

Sect. 5. And be it further enacted, that no person shall be tried for any offence for which capital punishment may be inflicted until a bill of indictment be found against him for such offence by the grand jury attending the superior court of judicature, and in all criminal causes the trial shall be had in the county where the offence was committed.

Sect. 6. And be it further enacted, that every person indicted for treason or any other crime the punishment of which is or shall be death, shall be entitled to a copy of the indictment found against him before such person be arraigned thereon, and a list of the witnesses to be used on the trial, and the jurors returned to serve on the same, with their names and places of abode, shall be delivered to the prisoner forty-eight hours before the trial, and the prisoner shall at his request have counsel learned in the law assigned him by the court, not exceeding two, and such counsel shall have access to the prisoner at all seasonable hours; and the prisoner shall have liberty to make his full defence by counsel and by himself, and to make any proof by lawful witnesses that he may produce: and such prisoner shall have the like process from the court before whom the trial may be to compel witnesses to appear and testify at the trial, as is usually granted to compel witnesses to appear and testify on prosecutions against persons accused.

Sect. 7. And be it further enacted, that if any person indicted for treason against this State, or for any other offence for which the punishment by law is or shall be death, shall stand mute when arraigned thereupon, a jury shall forthwith be empanelled and sworn to try whether the person so standing mute standeth mute by the providence of God, or fraudulently, wilfully and obstinately; and if they shall return their verdict that the prisoner standeth mute by the providence of God, the court shall thereupon cause the prisoner to be remanded to prison and shall not pro-

ceed against him until he shall have recovered therefrom; but if the jury return their verdict that the prisoner standeth mute fraudulently, wilfully and obstinately, then the court shall proceed to the trial of the prisoner so standing mute as if he had pleaded not guilty, and shall render judgment accordingly; except that the prisoner, so standing mute, shall not be allowed to make any challenges to the jurors.

Sect. 8. And be it further enacted, that every person indicted for treason or any other crime the punishment of which is or shall be death, who shall have duly pleaded to the indictment found against him, and shall have put himself on the country for trial, shall be permitted to challenge without assigning any reason for such challenge, twenty of the jurors, and as great a number further as he can show legal cause for challenging; and if any person indicted as aforesaid, after having voluntarily pleaded as aforesaid, shall refuse to put himself on the country for trial, or shall peremptorily challenge a greater number than twenty of the jurors as aforesaid, the Court shall disallow all such peremptory challenges, above the number of twenty; and the jury shall be charged, and the trial shall proceed, in like manner in all respects, and the like judgment shall be given, or if the person, so refusing to put himself on the country for trial, or so challenging a greater number than twenty of the jurors, without assigning any cause, had duly put himself on the country for trial, and had not peremptorily challenged a greater number of jurors than by law he might or could have done.

Sec. 9. And be it further enacted, That the Attorney General, or other person prosecuting in behalf of the State, shall not be allowed, in any case, peremptorily to challenge any juror, about to be empannelled for the trial of any criminal accusation or charge.

Sect. 10. And be it further enacted, That if any person shall be convicted of any crime at common Law, wherein by Law the benefit of clergy has been heretofore allowed, and for which, without such benefit of clergy, he must have been sentenced to suffer death, such person shall not be entitled to the benefit of clergy; but, instead of the punishment of death, such person shall be punished by a fine not exceeding three thousand Dollars; and by imprisonment in the common Gaol not exceeding two years; or by one or more of the foregoing punishments, at the discretion of the Court before whom the conviction may be.

Sect. 11. And be it further enacted, That the benefit of clergy shall not be used or allowed upon conviction of any crime, for which, by any statute of this State, the punishment is or shall be declared to be death.

Sect. 12. And be it further enacted, That no person shall be tried for any treason against this State, unless the indictment for the same be found within two years next after the offence may have been committed,

Sect. 13. And be it further enacted, That the manner of inflicting the punishment of death shall be by hanging the person convicted, by the neck untill dead.

Sect. 15, And be it further enacted, That if any person shall assault or beat another, or in any way break the peace, such person shall be punished by a fine not exceeding ten Dollars, and may be holden to recognise, with sureties, to keep the peace and be of good behaviour for a term not exceeding one year.

Sect. 16. And be it further enacted, That if any person shall knowingly and wilfully obstruct or oppose any Sheriff or other officer of this State, in serving or attempting to serve or execute any mesne process or warrant, or any rule or order of any of the Courts of this State, any legal order or command of any Justice of the Peace within this State, or any other legal or judicial writ or process whatsoever; or shall assault, beat, or wound, any officer, or other person duly authorised, in serving or executing any writ rule order process, or warrant as aforesaid; or if any person shall by force set at liberty or rescue any person arrested or committed by virtue of any mesne process, order, warrant, writ of execution, or other writ issuing from any Court of record, or any Justice of the Peace, within this State; in any civil cause, or in any criminal cause not capital; such person shall be punished by imprisonment in the common Gaol not exceeding one year, and by a fine not exceeding three hundred Dollars.

Sect. 17. And be it further enacted, That if any persons to the number of twelve or more, being armed with clubs or other weapons; or if any persons, to the number of thirty or more, shall be unlawfully, riotously, routously and tumultuously assembled; any Justice of the Peace in the county, sheriff of the county, or his deputy, or any constable of the town wherein such assembly may be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and shall then proceed to make proclamation in those or the like words

“By virtue of a law of this State, I am directed to charge and command, and do accordingly, in the Name of the State of New Hampshire, charge and command all persons here assembled to disperse immediately, and depart peaceably to their respective habitations or lawful employment”—and if any person or persons shall continue so unlawfully, riotously, routously, or tumultuously assembled, after proclamation made as aforesaid; or shall wilfully and forcibly obstruct or hinder any such officer who shall be known, or shall openly declare himself, to be such, from making said proclamation; every such person or persons, shall be punished by a fine not exceeding one thousand Dollars, and by imprisonment in the common gaol not exceeding one year.

Sect. 18. And be it further enacted, That if any person shall openly deny the being of a God, or shall wilfully blaspheme the name

of God, Jesus Christ or the Holy Ghost; or shall curse or reproach the word of God, that is; the canonical Scriptures contained in the books of the Old and New Testament, namely, Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, The song of Solomon, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi, Matthew, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians Galations Ephesians, Phillippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, Revelations; such persons shall be punished by a fine not exceeding two hundred dollars, and may be holden to recognize, with sureties, for his good behaviour, for a term not exceeding one year.

[CHAPTER 102.]

State of }
New Hampshire. }

AN ACT RELATING TO THE ORGANIZATION AND EQUIPMENT OF THE MILITIA, AND FOR OTHER PURPOSES.

[Approved January 3, 1829. Acts, vol. 26, p. 383. Session Laws, 1828, Chap. 102. Laws, 1830 ed., p. 399. Partly repealed by act of January 13, 1837, Session Laws, 1836, November session, Chap. 296. Wholly repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and house of Representatives in General Court convened.

1. That the Companies in the Town of Portsmouth shall constitute the first Regiment.

2. That the Companies in the Towns of Dover, and Somersworth shall constitute the second Regiment.

3. That the Companies in the towns of Hampton, North Hampton, Hampton falls, Seabrook, Kensington and South Hampton, shall constitute the third Regiment

4. That the Companies in the Towns of Exeter, Newmarket Brentwood Poplin and Epping shall constitute the fourth Regiment

5. That the Companies in the Towns of Amherst, Merrimack Litchfield, Montvernion, Milford, Dunstable, Hollis, Nottingham West and Brookline shall constitute the fifth Regiment

6. That the companies, in the Towns of Richmond Winchester, Swanzey, Chesterfield and Hinsdale shall constitute the sixth Regiment.

7. That the companies in the Towns of Kingston, East Kings-

ton, Hawke, Newtown, Atkinson, Plaistow Hampstead and Sandown, shall constitute the Seventh Regiment.

8. That the Companies in the Towns of Derry, Londonderry, Salem, Pelham and Windham shall constitute the eighth Regiment.

9. That the companies in the Towns of Manchester, Goffstown, Dunbarton, Bedford New Boston, and Weare shall constitute the ninth Regiment

10. That the Companies in the Towns of Gilmanton, Gilford and Barnstead shall constitute the tenth Regiment.

11. That the Companies in the Towns of Concord, Pembroke, Bow, Allenstown and Hooksett shall constitute the eleventh Regiment.

12. That the Companies in the Towns of Rindge, Jaffrey, Fitzwilliam, Roxbury, Dublin Marlborough, Nelson and Troy shall constitute the twelfth Regiment.

13. That the Companies in the Towns of Haverhill, Piermont, Orford, Wentworth Warren and Coventry shall constitute the thirteenth Regiment

14. That the Companies in the Towns of Plymouth, Holderness, Rumney; Campton Thornton, Ellsworth Peeling, the inhabitants of Lincoln on the east side of the mountain, the inhabitants of Thornton Gore, and the inhabitants of Gillis' and Foss' grant shall constitute the fourteenth Regiment.

15. That the Companies in the Towns of Plainfield, Cornish, Claremont and the west company in Grantham shall constitute the fifteenth Regiment

16. That the Companies in the Towns of Charlestown, Langdon, Acworth and Unity shall constitute the sixteenth Regiment.

17. That the Companies in the Towns of Chester Candia, and Raymond shall constitute the seventeenth Regiment.

18. That the Companies in the Towns of Nottingham Deerfield, Epsom, Northwood and Pittsfield shall constitute the eighteenth Regiment.

19. That the Companies in the Towns of Moultonborough, Centre Harbour, Sandwich and Tamworth shall constitute the nineteenth Regiment

20. That the Companies in the Towns of Walpole, Westmoreland, Keene, Surry Gilsum and Sullivan shall constitute the twentieth Regiment

21. That the Companies in the Towns of Boscawen, Salisbury, Andover, and Franklin shall constitute the twenty first Regiment

22. That the Companies in the Towns of New Ipswich, Sharon, Mason, Peterborough, Temple, Lyndeborough and Wilton shall constitute the twenty second Regiment.

23. That the Companies in the Towns of Hanover, Lebanon, and Lyme, shall constitute the twenty third Regiment.

24. That the Companies in the Towns of Lancaster, Jefferson, Dalton, Northumberland, Whitefield, Brettonwoods, Kilkenny Randolph, and Nash and Sawyers location Piercy. Stratford, Columbia, Colebrook, Stewartstown, Errol and the College Grant, shall constitute the twenty fourth Regiment.

25. That the Companies in the Towns of Durham, Lee, Madbury, Strafford and Barrington shall constitute the twenty fifth Regiment

26. That the Companies in the Towns of Antrim Deering, Hillsborough, Windsor, Hancock, Francestown, Greenfield and Society Land shall constitute the twenty sixth Regiment.

27. That the Companies in the Towns of Wolfeborough Tuftonborough, Ossipee, Effingham and the north Company in Wakefield shall constitute the twenty seventh Regiment.

28. That the Companies in the Towns of Alstead, Marlow Lempster, Stoddard, and Washington, shall constitute the twenty eighth Regiment

29. That the Companies in the Towns of Sandbornton, Meredith, and New Hampton shall constitute the twenty ninth Regiment.

30. That the Companies in the Towns of New London, Fishersfield, Wilmot Bradford and Sutton, shall constitute the thirtieth Regiment.

31. That the Companies in the Towns of Newport, Wendall, Goshen, Croydon, Springfield, and the east Company in Grantham, shall constitute the thirty first Regiment.

32. That the Companies in the Towns of Bath, Lyman, Landaff, Lisbon, Littleton Bethlehem, Franconia and that part of Lincoln, on the west side of the mountain shall constitute the thirty second Regiment.

33. That the Companies in the Towns of New Durham, Alton, Middleton, Brookfield and the southerly company in Wakefield shall constitute the thirty third Regiment.

34. That the Companies in the Towns of New Chester, Bridgewater, Bristol, Alexandria, Groton, Hebron, and Danbury shall constitute the thirty fourth Regiment.

35. That the Companies in the Towns of New Castle, Rye, Greenland, Newington and Stratham shall constitute the thirty fifth Regiment

36. That the Companies in the Towns of Eaton, Burton, Conway, Bartlett, Adams and Chatham, shall constitute the thirty sixth Regiment

37. That the Companies in the Towns of Canaan, Dames Gore, Dorchester, Orange Enfield and Grafton shall constitute the thirty seventh Regiment.

38. That the Companies in the Towns of Chichester, Canterbury, Loudon and Northfield shall constitute the thirty eighth Regiment.

39. That the Companies in the Towns of Rochester, Farmington, and Milton shall constitute the thirty ninth Regiment.

40. That the Companies in the Towns of Hopkinton, Henniker and Warner, shall constitute the fortieth Regiment.

Section 2. And be it further enacted,

1. That the first, third, fourth, seventh and thirty fifth Regiments, shall compose the first Brigade.

2. That the second, tenth, nineteenth, twenty fifth, twenty seventh, twenty ninth thirty third, thirty sixth, and thirty ninth regiments shall compose the second Brigade.

3. That the eighth, eleventh, seventeenth eighteenth, and thirty eighth Regiments shall compose the third Brigade.

4. That the fifth, ninth, twenty first and twenty second, twenty sixth, thirtieth and fortieth, Regiments shall compose the fourth Brigade.

5. That the sixth, twelfth, fifteenth sixteenth, twentieth twenty eighth and thirty first Regiments shall compose the fifth Brigade

6. That the thirteenth, fourteenth twenty third, twenty fourth, thirty second thirty fourth, and thirty seventh Regiments shall compose the sixth Brigade.

That the first and third Brigades shall form the first Division.

That the second and sixth Brigades shall form the second Division.

That the fourth and fifth Brigades shall form the third Division.

Section 3. And be it further enacted That each Division shall be commanded by a Major General who shall have one Division Inspector, with the rank of Colonel, and two Aides de camp with the rank of major, to be by him appointed and to hold their offices during his pleasure.

And each Brigade shall be commanded by a Brigadier General, who shall have one Brigade Inspector, who shall perform the duties of Brigade Major, and one Brigade Quarter-master, each with the rank of major, and one aid de camp with the rank of Captain to be appointed by the Brigadier General and to hold their offices during his pleasure. and to each Brigade there shall be one judge advocate with the rank of Major, to be appointed by the Governor and Council and to hold his office during good behavior.

Section 4. And be it further enacted That there shall be to each Regiment one Colonel, one Lieutenant Colonel and one Major The regimental Staff shall consist of one Adjutant, to rank as Captain, one Quartermaster and one Paymaster to rank as Lieutenants, one Chaplain, one surgeon, and one surgeons mate to be appointed by the Colonel and commissioned by the Governor, one Sergeant major one quarter master sergeant, one fife major and one drum-major to be appointed by the Colonel; all of whom shall hold their offices during the pleasure of the Colonel.

Section 5. And be it further enacted That each company of Infantry shall consist of one Captain one Lieutenant and one Ensign to be appointed by the Field Officers and commissioned by the Governor, four Sergeants, the first or orderly sergeant to be clerk of the Company four Corporals, one drummer, one fifer and sixty four rank and file, the corporals to be included in the rank and file. And all sergeants and Corporals shall be appointed by the Captain and subalterns of the company, the sergeants warrants to be signed by the Colonel, and shall hold their offices during their pleasure.

To each Regiment, there may be two companies of Grenadiers or Light Infantry and no more, which shall consist of forty two rank and file, and shall be officered in the same manner as the Infantry Companies.

There shall be to each Regiment one Company of Artillery, to consist of one Captain two Lieutenants, four Sergeants four Corporals six gunners, six bombardiers, two drivers, one drummer, one fifer and sixteen matrosses.

There shall be to each Regiment, one company of Cavalry, to consist of one Captain, two Lieutenants one cornet, four sergeants, four corporals two musicians, one farrier, one saddler and fifty privates.

The field Officers of each Regiment, with consent of the Brigadier General, may organize two companies of Riflemen, which may consist of thirty six rank and file and shall be officered like the Infantry Companies. Provided, that this act shall not be so construed as to affect the existence of any company of Light Infantry, Grenadiers, Riflemen or Cavalry now formed and duly organized

Section 6. And be it further enacted, that all general and field officers shall reside within the limits of their respective commands, all officers of Artillery and Cavalry within their respective Regiments: all officers of Light Infantry, Grenadiers and Riflemen within the limits assigned them for enlisting their respective companies and all officers of Infantry within the limits of their companies; and if any officer shall remove without such limits to reside without resigning his commission, it shall be considered a sufficient cause for an address for his removal. Provided that where the several companies in any town shall constitute one Regiment, in that case, the several officers shall reside within the limits of the Regiment.

Section 7. And be it further enacted that all general, field and commissioned staff officers who have a rank assigned them shall be armed with a sword and pair of Pistols and shall be severally furnished with a good horse of at least fourteen and a half hands high, a good saddle and bridle, mail pillion valise and holsters and a pair of boots and spurs,

All Captains and subalterns and non-commissioned staff officers shall be armed with a sword. All commissioned officers and pri-

vates belonging to the Infantry, Light Infantry and Grenadiers shall be armed with a good firelock with a steel or iron ramrod and a bayonet, and equipped with a priming wire and brush, bayonet scabbard and belt a cartridge box that will contain twenty four cartridges, suited to the bore of his firelock, two spare flints, a knapsack and canteen, All officers and privates of the Cavalry shall be armed with a proper horsemans sword and a pair of pistols, and shall severally furnish themselves with a good horse of at least fourteen and a half hands high, a good saddle and bridle, mail pillion and valise, holsters the caps of which shall be of bear skin, a cartridge box to contain twelve cartridges and a pair of Boots and Spurs. All noncommissioned officers and privates belonging to any company of Riflemen shall be armed with a good Rifle and equipped with a knapsack and canteen. All non commissioned officers and privates of the artillery shall be armed with swords and equipped with a knapsack and canteen. Each company of Artillery, now formed, or that hereafter may be formed when organized shall be furnished at the expence of the State, with one piece of ordnance, with carriage, harness and apparatus complete. And to each piece of ordnance there shall be annually allowed, and paid to the commanding officer of the company the sum of seven dollars for furnishing said piece with powder, and portfire and for hiring horses on regimental muster days; and five dollars shall be annually paid to said captain or commanding officer on his producing satisfactory evidence that it has been expended in repairing said piece, carriage or harness or so much thereof as shall appear to have been so expended.

Section 8. And be it further enacted that where there is any company of artillery now formed, and no gunhouse provided for securing the Field Piece belonging to such company or where any company of Artillery may hereafter be formed, it shall be the duty of the Captain of such Company to cause a suitable building to be erected to contain such piece, on the ground which shall be agreed on by the field officers of the regiment to which he belongs, first obtaining a deed of the land on which such Gunhouse is to be erected, vesting the fee of the same in the State of New Hampshire which deed shall be lodged in the office of the Secretary of the State: and such captain may present a bill for the labor and materials for erecting such Gunhouse to the Legislature and receive such sum, as may be thought reasonable not exceeding fifty dollars. Provided that nothing shall be paid for erecting a Gun house until the deed aforesaid shall be lodged in the Secretarys office as aforesaid; and provided also, that the field officers of the regiment to which any Gunhouse may belong shall have power to remove the same whenever in their opinion the artillery company in such regiment shall be better accommodated thereby; they first causing the title of the land to which such Gunhouse may be removed to be

vested in the state. Provided nevertheless that no account for any Gunhouse shall be allowed, except the same be accompanied by a certificate from the field Officers of the Regiment in which such gunhouse is erected, approving the same.

Section 9. And be it further enacted that the several companies of light Infantry, Grenadiers, riflemen, artillery and cavalry shall be formed by voluntary enlistment from the infantry of the Regiments: but no person shall be enlisted from any company of infantry which is not full, unless by special permission of the field officers which permission shall be recorded in the orderly book of the regiment nor shall any such permission be granted by which any company shall be reduced below forty two rank and file and no enlistment shall be of any effect until the person enlisting shall leave with the clerk of the company, from which he enlists, a written notice of such enlistment, and if such enlistment is by permission of the field officers, a copy of such permission; nor until such person so enlisting shall be uniformed and equipped to do duty in the company into which he enlists

Section 10. And be it further enacted that every person who shall enlist into any volunteer company, shall be holden to do duty therein for the term of five years, unless sooner discharged by order of the commanding officer of the regiment in which such corps is formed, or unless he arrives at the age of forty years, and any non commissioned officer or private belonging to a volunteer company on his own application, or on the application of the commissioned officers of such company, may be discharged by the commanding officer of the regiment from such company; of which discharge the said commanding officer shall immediately give notice to the captain of the company of infantry, within whose limits the non commissioned officer or private so discharged shall reside; and such non commissioned officer or private shall be liable to do military duty in such infantry company, as though he had not enlisted.

Section 11. And be it further enacted that any company of infantry, light infantry grenadiers riflemen artillery or cavalry, which shall become reduced in numbers below one half the number of non commissioned officers and privates of which said company should by law consist, may be disbanded by the field officers of the regiment: in which case the non commissioned officers and soldiers of such company, if of infantry, shall be annexed by such field officers to some adjoining company and if it be a volunteer company shall be liable to do military duty in the company of infantry within whose bounds they reside in the same manner, as if they had never enlisted in such company.

Section 12. And be it further enacted that the rules and regulations for the field exercise and manoeuvres of infantry, compiled and adopted for the organization of the army of the United States agreeably to a resolve of Congress, passed December, one thousand

eight hundred and fourteen be received adopted and established as the rules of discipline for the militia of this state

Section 13. And be it further enacted, That in forming and parading a regiment in line for field exercise the cavalry shall be placed on the extreme right, the artillery on the left of the cavalry, the light infantry and grenadiers on the left of the artillery, and the riflemen if any, on the left of the battalion of infantry. The respective ranks of captains shall in all cases be determined by the dates of their commissions and if two or more captains hold commissions of the same date, their respective ranks shall be determined by their prior pretensions or former commissions; and if they have no prior pretensions the oldest man shall rank first. The cavalry, artillery, light infantry grenadiers, infantry and riflemen shall be equally under the command of the colonel or other commanding officer of the regiment and when formed in regiment all the music, except cavalry music, shall be placed together as the commanding officer shall direct.

Section 14. And be it further enacted that every officer, non-commissioned officer, and private, shall constantly keep himself furnished and provided with the arms and equipments required by law, except such private of infantry as shall not be able to provide himself: and every parent, master or guardian shall furnish such minors liable to do military duty, as are under their care respectively, with the arms and equipments aforesaid, unless such parent, master or guardian shall be unable to furnish the same; and no private shall be considered unable to provide himself, nor any parent, master or guardian unable to furnish any minor under his care with such arms and equipments, unless he shall produce after the first day of April and before the first day of May annually to the commanding officer of the company to which he belongs, a certificate of such inability from the overseers of the poor of the town where he resides: and the commanding officer of such company shall forthwith lay such certificate before the selectmen of the town, where such private or minor resides: and it shall be the duty of such selectmen forthwith at the expence of their respective towns, to provide for every such person the arms and equipments aforesaid and they shall deposit the same in some safe and convenient place, and shall permit the commanding officer of the company to which such person belongs, to deliver such arms and equipments to such private or minor whenever his company shall be ordered out for military duty; and the said commanding officer shall be responsible for the safe return of such arms and equipments to the place of deposit.

Section 15. And be it further enacted that every officer, non-commissioned officer and private shall hold his uniform arms and equipments exempted from all suits, distresses executions or sales for any debt, damages or costs, or for the payment of taxes; and

no officer, non commissioned officer, musician or private shall be arrested on any civil process during his going to, returning from or his performance of military duty. and no officer shall be arrested on any civil process, while going to returning from, or serving upon any court martial or court of inquiry upon which it may be the duty of such officer to attend.

Section 16. And be it further enacted that the Selectmen of every town and place shall pay to each officer, non commissioned officer and private within their respective towns or places, on each regimental, brigade or division muster who shall be on duty thirty one cents to be paid on the parade where such musters are, and the commanding officer of each company shall give notice of the time and place with the number of men under their command who are liable to do duty to the Selectmen of the town or place where they belong at least six days previous to the day of muster. And if the selectmen of any town or place after having been so notified shall neglect or refuse to pay to each non commissioned officer or private the above sum they shall forfeit and pay the sum of fifty cents to each non commissioned officer and private whom they shall neglect to pay to be recovered by the commanding officer of the company which shall be so neglected in any court or before any Justice proper to try the same, to be paid over to the non commissioned officers and privates who shall have been neglected to be paid as aforesaid.

Section 17. And be it further enacted that in case of actual or threatened invasion, insurrection or other public danger or emergency, the commander in chief may order the militia or part thereof to be detached and the officers commanding divisions, brigades or regiments may appoint military watches or guards in such place or places, and under such regulations, as they may judge necessary and all officers and soldiers, under their command are to yield strict obedience to their orders and directions. And whenever any detachment shall be ordered to be made, the officers shall be regularly detailed from the rosters, and the non commissioned officers and privates by lot from the company rolls; and when any company shall not be organized, the officer commanding the regiment shall either by himself or some other under him proceed to make and complete the detachment from such unorganized company. And if any person who shall be duly detached or drafted in pursuance of proper orders for that purpose after being notified and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders, and shall not within twenty-four hours, after he shall have been notified as aforesaid, pay a fine of fifty dollars to the commanding officer of the company to which he belongs, or procure an able bodied man in his stead, he shall be considered as a soldier belonging to the detachment, and dealt with accordingly; and all fines paid as aforesaid shall be appropriated to the hire of

men to complete the detachment. And all persons serving on any military guards or watches and all persons detached for actual service shall be punishable for misconduct, while in such service by a court martial to be appointed by the commanding officer of such guard or watch, provided he be a field officer, and in case he is not, then by the commanding officer of the Regiment to which the offender belongs.

Section 18. And be it further enacted that this act shall not take effect until the first day of March next.

[CHAPTER 103.]

State of }
New Hampshire. }

AN ACT TO FACILITATE THE COLLECTION OF TAXES IN THE TOWN OF PORTSMOUTH.

[Approved January 3, 1829. Acts, vol. 26, p. 407. Session Laws, 1828, Chap. 103. Laws, 1830 ed., p. 568. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That it shall be the duty of the Selectmen of the Town of Portsmouth annually, within fourteen days next after they shall have entered upon the duties of their office to appoint a Treasurer for said Town, who shall hold his office during the pleasure of the said Selectmen, And before entering upon the duties of his office he shall take the oath required to be taken by town officers, and shall give bonds in a sum and with sureties satisfactory to said Selectmen for the faithful discharge of the duties of his office. And the said Selectmen shall agree with the said Treasurer upon the amount of his compensation in behalf of said Town, which agreement shall be in writing signed by said Selectmen and Treasurer.

Section 2. And be it further enacted, That the Collector of the town of Portsmouth shall be and he hereby is authorized to appoint under him such number of Deputies or assistants as he may deem necessary which deputies or assistants shall give bonds to the Selectmen for the faithful discharge of their duty in such sum and with such sureties as shall be satisfactory to said Selectmen, before they shall act as deputies or assistants aforesaid; and the said deputies or assistants shall have the same powers as are by law vested in Collectors of taxes, and shall be subject to be removed at pleasure by the said Collector.

Section 3 And be it further enacted, That all those inhabitants of the Town of Portsmouth who shall pay to the collector of said town voluntarily within thirty days next after the Selectmen shall

have committed to him the said collector the list of the assessments of taxes for said town with their warrant the amount of their respective taxes, shall be entitled to an abatement of such sum as the said town at its annual meeting shall agree upon on the amount of their said taxes. And all such inhabitants as shall pay their taxes to the collector within sixty days after the time aforesaid shall be entitled to such abatement as may be agreed upon as aforesaid, upon the amount of their said Taxes. And all such inhabitants as shall pay their said taxes to the collector within one hundred and twenty days next after the time aforesaid shall be entitled to such abatement as may be agreed upon as aforesaid upon their said taxes

Section 4. And be it further enacted, That after the expiration of the said one hundred and twenty days it shall be the duty of the collector forthwith to notify all the inhabitants who may not have paid their respective taxes by delivering to each one personally or causing to be delivered, or by leaving or causing to be left at the last and usual place of abode of each a notice written or printed setting forth the amount of the tax due from the person notified; and unless the same is paid together with twenty cents more for said notice within fifteen days from the time when said notice is delivered or left the said Collector or his deputy shall distrain the goods and chattels of the persons delinquent according to law.

Section 5 And be it further enacted. That this act shall not take effect until the inhabitants of said town of Portsmouth shall vote to adopt the same at a legal town meeting

Section 6. And be it further enacted, That any town or towns in this State at their annual meeting or at any other meeting lawfully called for this purpose may adopt such of the provisions of the foregoing act as they may deem expedient, and necessary, in which case such provisions so adopted shall be considered to extend to such town or towns adopting the same as fully to all intents and purposes as to the Town of Portsmouth.

[CHAPTER 104.]

State of }
New Hampshire. }

AN ACT TO DIVIDE THE STATE INTO FIVE DISTRICTS FOR THE CHOICE OF COUNSELLORS.

[Approved January 3, 1829. Acts, vol. 26, p. 411. Session Laws, 1828, Chap. 104. Laws, 1830 ed., p. 310. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the State be divided into the following districts, numbered from one to five, each of which shall have

the right of choosing one Counsellor for said State annually pursuant to the Constitution:

District No 1. To contain the County of Rockingham and the following towns in the County of Merrimack, to wit, Allentown, Bow, Canterbury, Chichester, Concord, Epsom, Loudon, Northfield, Pembroke and Pittsfield.

District No 2. To contain the County of Strafford.

District No. 3. To contain the County of Hillsborough, and the following towns in the County of Merrimack, to wit, Andover, Boscawen, Bradford, Dunbarton, Fishersfield, Franklin Henniker, Hooksett, Hopkinton, New London, Salisbury, Sutton, Warner and Wilmot.

District No 4. To contain the Counties of Cheshire and Sullivan.

District No 5. To contain the Counties of Grafton and Coos.

[CHAPTER 105.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE REMOVAL OF INCUMBRANCES IN HIGHWAYS.

[Approved January 3, 1829. Acts, vol. 26, p. 415. Session Laws, 1828, Chap. 105. Laws, 1830 ed., p. 582. See also acts of February 27, 1786, Laws of New Hampshire, vol. 5, pp. 117, 121; June 20, 1806, id., vol. 7, p. 537; June 27, 1833, Session Laws, 1833, Chap. 127; January 13, 1837, id., 1836, November session, Chap. 285, and July 6, 1837, id., 1837, Chap. 361. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That whenever any person or persons shall place in any of the highways or streets of any town, any masts, spars mill logs, boards, plank, stones or any other thing whatever to the incumbrance of the same highways and streets, it shall be the duty of the surveyor of the highways in the district where such incumbrance shall be, to give reasonable notice to the person or persons leaving any incumbrance as aforesaid to remove the same; and if such person or persons shall neglect or refuse so to do or if the owner be unknown such surveyor shall make complaint in writing to some Justice of the Peace in the same town or in one of the adjacent towns, which Justice upon his own view of such incumbrance may by warrant under his hand and seal directed to such surveyor cause the same to be removed so far as the said Justice shall Judge necessary for the public convenience, and shall also order so much thereof to be sold by such surveyor as shall be

adjudged by said Justice necessary to pay the legal costs which said Justice shall tax and three times the price of the labor of removing the same, which labor shall also be estimated by said Justice. And such surveyors shall follow the same rules and regulations in making sale of any such incumbrance as collectors of taxes are by law directed to follow in advertising and selling personal property for taxes. Provided however that no warrant shall be issued as aforesaid for the purpose aforesaid, until notice shall have been given to the owner, if known, and he shall have had an opportunity to shew cause why the incumbrance should not be removed.

Section 2. And Be it further enacted, That, in all cases when the said articles of incumbrance removed by any surveyor as aforesaid shall not sell for a sum sufficient to pay and discharge the costs taxed and three times the price of the labor of removing the same, estimated by the justice as aforesaid the said surveyor shall be entitled to recover the same or such part thereof as shall remain unpaid after the sale of such articles of the person or persons who shall so incumber the said highways by an action on the case in any court proper to try the same

Section 3. And be it further enacted, That the act entitled "an act in addition to and amendment of an act entitled an act for mending and repairing highways in this State" be and the same is hereby repealed.

[CHAPTER 106.]

State of }
New Hampshire. }

AN ACT IMPOSING FINES FOR NEGLECT OF MILITARY DUTY AND FOR OTHER PURPOSES.

[Approved January 3, 1829. Acts, vol. 26, p. 423. Session Laws, 1828, Chap. 106. Laws, 1830 ed., p. 408. See also acts of July 1, 1819, Laws of New Hampshire, vol. 8, p. 831; December 22, 1820, id., p. 955; July 6, 1833, Session Laws, 1833, Chap. 125; July 5, 1834, id., 1834, Chap. 167, and June 26, 1838, id., 1838, Chap. 309. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1.—Be it enacted by the Senate and house of representatives in general Court convened, That the following persons be and they hereby are absolutely exempted from military duty, to wit: The Vice President of the United States; The officers, Judicial, and executive of the government of the United States; members of both houses of Congress and their officers; all custom-house officers and their Clerks; all post officers and Stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; All ferry-men necessarily employed at any

ferry on the post-road; All inspectors of exports; all pilots; all Marriners actually employed in the sea service of any citizen or merchant within the United States; the members of the executive Council; The Judges of the superior Court of Judicature, and of all other courts of record in this State, and their Clerks; The members of the Legislature and its officers while the same is in session; Judges and registers of probate; registers of deeds; The attorney general; Secretary and treasurer of the State: all officers of any College actually resident there; all students at Dartmouth College, belonging to the freshman, Sophomore, Junior and Senior Classes, during the time, they continue to be members of either of those Classes; all preceptors of academies actually employed as such; ministers of the gospel of every denomination; all officers who had held commissions in the militia of this State or of any other State in the Union for the term of four years and had been regularly discharged before the twenty second day of December 1820. or who having held a commission in the militia of this State or any other State in the union for the term of Six years have been or shall be regularly discharged, or who have been superseded and discharged; all fife and drum-majors, who have held a warrant and actually done the duty of drum or fife-major for the term of Six years; fire engine men, not exceeding eighteen to each engine, who shall annually, on or before the twentieth day of April, produce to the commanding officer of the company within whose limits they reside, certificates from the Selectmen of their respective towns, that they have been legally appointed and are bound to perform the duties of engine men, and every person of the religious denomination of Quakers or Shakers, who shall annually on or before the twentieth day of April procure and deliver to the commanding officer of the company within whose limits he shall reside; a certificate signed by two or more of the elders or overseers, and countersigned by the clerk of the meeting or society, with which he meets for worship in substance, as follows;

We the subscribers elders (or overseers as the case may be) of the meeting or society of.....in the town of.....in the County of.....do hereby certify, that frequently and usually attends with said society for public worship, is a regular member thereof, and, we believe, he is conscientiously scrupulous of bearing arms.

A.B.)

E.F. Clerk..... C.D.) Elders (or overseers as the case may be).....

Section 2. And be it further enacted, That the following persons be and they are hereby conditionally exempted from military duty, namely; all physicians and surgeons on whom has been conferred the degree of doctor of medicine, or who shall be recommended by any regular medical society, and who shall annually pay to the selectmen

of the town, in which they reside the sum of two dollars, and on or before the twentieth day of April in each year, produce to the Captain or commanding officer of the Company within whose bounds, they reside, a certificate of the payment of said sum; all officers, who have held or shall hold commissions in the militia of this state or of any state in the union and have been or shall be regularly discharged, who are not hereinbefore absolutely exempted, who shall annually pay to the selectmen of the town in which they reside, the sum of two dollars, and on or before the twentieth day of April annually produce to the captain or commanding officer of the company, within whose bounds they reside a certificate of such payment; and all persons, who are or may hereafter be between the ages of forty and forty five years, who shall constantly keep themselves furnished with the arms and equipments required by this act and shall on the first Tuesday of May in each year, carry or send said arms and equipments for inspection to the captain or commanding officer of the company within whose bounds they reside, at the time he inspects his company.

Section 3. And be it further enacted, That each and every free ablebodied, white male citizen of this State, resident therein who now is or hereafter may be of the age of eighteen years and under the age of forty five years, or who shall hereafter come to reside in this State (except such as are hereinbefore absolutely exempted) shall be liable to do military duty in the company, within whose bounds such citizen may reside, or into which he may have enlisted.

Section 4. And be it further enacted, That in all cases of doubt respecting the name or age of any person supposed to be liable to do military duty, if such person, when enquired of by the captain or commanding officer of any company, shall neglect or refuse to give information, or shall give false answers or information in relation to his name or age, with intent to discharge himself from performing military duty, he shall forfeit the sum of five dollars for each offence, to be recovered by the Capt. or commanding officer of the company, for the time being within whose bounds such offender may reside, in an action of debt, before any Justice of the peace. And if such person be a minor, the action may be against the master, parent or guardian of such minor.

Section 5. And be it further enacted, That any keeper of a tavern, or boarding-house, or any master or mistress of any dwelling house, who shall refuse to give information of the name or names of any person, residing with him or her, liable to do military duty, when applied to for that purpose, by the commanding officer of the company, within the bounds of which such tavern, boarding house or dwelling house is situated, or when applied to for that purpose by any person acting under the orders of such commanding officer, or shall give any false information upon such application shall for-

feit the sum of five dollars, to be recovered by the commanding officer of such company, by action of debt, before any Justice of the peace in the county, where such offender resides.

Section 6. And be it further enacted, That whenever the commanding officer of a company shall parade his company for inspection, training or review, he shall issue his orders to one or more of the sergeants of his company, not being the orderly sergeant, or if there be no Sergeant, or no Sergeant, excepting the orderly sergeant, then to one or more of the privates of his company, requiring him or them to notify the whole or part of the non-commissioned officers and privates belonging to his company, whose names shall be inserted in or annexed to such orders, to appear at the time and place appointed; and the insertion of the name of any person in such orders, or its annexation thereto, shall in all cases be evidence, that such person is duly enrolled in such company. And it shall be the duty of the sergeant or sergeants, private or privates to whom such orders shall be issued, seasonably to give notice to each and every person, he or they shall have been ordered to notify by delivering to each of them in person, or leaving at his last and usual place of abode, a written or printed order; and no notice shall be legal for any training inspection or review unless the same shall be given or left at least four days previous to the time appointed therefor; provided always in case of actual or threatened invasion insurrection or other emergency any notice however short shall be legal and binding and any legal notice or warning to any person to attend any training inspection or review shall be legal notice of his enrolment.

Section 7. And be it further enacted, That if any Sergeant or private shall refuse or neglect to notify and warn any of the non commissioned officers or privates of the company to which he belongs being thereto ordered by the Captain or Commanding officer of the company he shall pay a fine of two dollars for each noncommissioned officer and private he shall neglect to warn to be recovered by such Captain or Commanding officer in an action of debt before any Court or Justice of competent Jurisdiction.

Section 8. And be it further enacted, That in all cases the return of the person who shall have received orders to notify the whole or any part of the men of any Company to appear at the time and place appointed, for military duty made on the back of the order to him directed and sworn to before a Justice of the Peace shall be received as evidence, that due notice was given unless invalidated by other evidence, and the said orders and return being recorded in the Company records, a copy of the record thereof, certified by the Clerk of such Company shall be received as evidence, and shall have the same force and effect, as the said original orders and return, and the person who shall notify the men, or the Clerk who shall keep the record may in any stage of the proceedings amend the return or the record so that all the facts may appear. And any noncommissioned

officer or private who shall be convicted of making a false return shall be liable to the pains and penalties provided in other cases of perjury.

Section 9. And be it further enacted, That whenever any company shall be paraded, the commanding officer of such company is hereby authorized verbally to notify the men so paraded to appear on some future day, not exceeding thirty days from the time of such notification, and such notification shall be legal as it respects the men present, and a record of such notification, together with the names of the noncommissioned officers and privates present being made in the orderly book of the company, and signed by such commanding officer and the Clerk of the company the said record or a copy thereof certified by said Clerk shall be received as evidence that due notice was given, unless invalidated by other evidence.

Section 10. And be it further enacted, That if any noncommissioned officer or private, after being duly notified to attend any training, inspection or review, shall unnecessarily neglect to appear, or shall be at any time absent from his guard, platoon or company without leave from the commanding officer of the Company before such company shall be dismissed, he shall pay a fine of three dollars for each Regimental, Brigade or Division muster, and two dollars for each company inspection or training, and if any noncommissioned officer or private of any company of Cavalry, Artillery, Light Infantry Grenadiers or Riflemen shall appear at a company or regimental muster without the uniform of the company to which he belongs, he shall pay a fine of three dollars for each regimental muster and two dollars for each company inspection or training.

Section 11. And Be it further enacted, That signals of alarm may be appointed by the Captain General, and may by him be altered from time to time, proper notice thereof being given, and if any noncommissioned officer or private, shall upon the alarm being given, unnecessarily neglect to appear properly armed and equipped at such time and place as the commanding officer shall appoint due notice having been given him of such signals, and of the time and place so appointed, he shall pay a fine of ten dollars.

Section 12. And be it further enacted, That every noncommissioned officer and private shall yield entire obedience to the command of his superior officers, and if any non commissioned officer or private shall prove refractory or disobedient while on duty at any regimental muster or Company training or shall insult or abuse his officers or either of them or treat them with disrespect such non-commissioned officer or private shall pay a fine of two dollars for each offence.

Section 13. And be it further enacted, That every non commissioned officer and private who shall appear on parade not completely equipped according to law shall forfeit and pay the following sums

as fines for the equipments with which he shall not be provided, to wit, a gun eighty cents, steel or iron ramrod twenty cents, bayonet scabbard and belt twenty five cents, rifle one dollar, pistol forty cents, sword forty cents, two spare flints ten cents, priming wire and brush ten cents, cartridge box capable of containing twenty four rounds twenty five cents, cavalry cartridge box twenty five cents, knapsack twenty cents, canteen ten cents, valise twenty cents, holsters twenty cents; and if any noncommissioned officer or private shall neglect to have his gun and bayonet or rifle or pistols, clean and in good order, he shall pay a fine of fifty cents; and if any noncommissioned officer or private shall come on parade with his musket, or pistol loaded with powder and ball slugs or shot, he shall forfeit and pay the sum of two dollars.

Section 14. And be it further enacted, That whenever any company shall be paraded for training inspection or review, it shall be the duty of the Clerk of said company to make a roll of the delinquents at such training in which shall be set down the names of such delinquents together with such description of their respective offences in substance as is required to be inserted in complaints for the recovery of the fines imposed by law on such offences.

And such roll being signed by the commanding officer of such company, and countersigned by such Clerk, shall be received as evidence of the offences of such delinquents, and such roll being recorded in the records of such company or being originally made in the orderly book of such company, a copy of such record or original, certified by the Clerk of the company shall be received as evidence and shall have the same force and effect as the said original roll. And in case there be no Clerk or in case of his absence the commanding officer may appoint a Clerk for that time who shall have the powers, and perform the duties of Clerk. Provided however, that in case no such roll shall have been made, or in case it shall be insufficient, any other evidence of such offences shall be admitted.

Section 15.—And be it further enacted, That if any noncommissioned officer or private shall upon any muster or training day or evening of the same day, discharge or fire off any gun or pistol in any public road or near thereto, or in or near to any house, or on or near the place of parade, without permission first had from a commissioned officer, he shall forfeit the sum of two dollars for each offence, to be recovered by action of debt before any Justice of the peace within the County, where such offence may be committed by any person, who shall sue for the same with costs of prosecution.

Section 16. And be it further enacted, That parents, masters, and guardians shall be liable for all fines and penalties incurred by persons under their care and may at the choice of the person prosecuting therefor be proceeded against in the manner provided

by this act, against other delinquents, or the persons, incurring such penalties or fines, may be proceeded against in the same manner they might be, if they were of full age.

Section 17. And be it further enacted, That if any noncommissioned officer or private shall be guilty of any offence, which is by this act, punishable by fine, it shall be the duty of the clerk of the company to which such offender belongs, after the expiration of fifteen days, and within sixty days after the day of any parade of the company, to which he belongs, either company or regimental, to exhibit to some Justice of the peace for the county, in which such offender resides not being at the same time a military officer, a complaint under oath, against every such noncommissioned officer or private, who shall not have been excused by the commanding officer of the company, or who shall not have paid to such clerk the fine or fines by him incurred within the fifteen days aforesaid from the day of such parade which complaint shall be in substance, as follows: to wit.

To A. J. a Justice of the peace for the county of

B. C. of, in the County of Clerk of the company commanded by complains that the following persons, being liable to do military duty in said company, and being duly notified to meet with said company on the parade near in on the day of in the year of our Lord at o'clock in the noon completely armed and equipped according to law, for inspection and military exercise, were severally guilty of the offences set against their respective names;

Names.

Offences.

A. B. Sergeant	}	did unnecessarily neglect to appear on said day.
C. D. private		
E. F.	)	was deficient of a gun on said day.
G. H.	}	did come on parade with his gun loaded with powder and

(And in the same manner substantially all other offences are to be set forth against offending noncommissioned officers and privates) contrary to the form of the statute in such case made and provided and against the peace and dignity of the state

Wherefore the said B. C. prays that each of the persons above named may be summoned to appear and answer to the said complaint.

Dated at the Day of A.D.

..... B.C.

..... SS. A.D. B.C. made oath, that the

above complaint, by him signed, is, in his belief, true before me

A. J. Justice of the Peace

And the Justice, to whom such complaint shall be exhibited, shall issue a summons to each of the persons complained against as aforesaid which shall be, in substance, as follows:

State of New Hampshire

.....SS. To the Sheriff of said county. of....., or his
(Seal.) deputy, or to either of the constables of the Town of.....
in said County,.....Greeting

Whereas B.C. of.....in the county of.....Clerk of the company commanded by has exhibited to me A.J. a Justice of the peace for said County, his complaint on oath that A.B. of.....in the County of being liable to do military duty in said company, and being duly notified to meet with said company on the parade near.....in.....on the.....day of.....A.D.....at.....o'clock in the noon, completely armed and equipped according to law, for inspection and military exercise, did unnecessarily neglect to appear on said day, (describing the offence substantially as in the complaint) you are therefore, in the name of the State of New Hampshire, required to summon the said A.B. to appear before me the said Justice, at in.....on the.....day of.....next at.....o'clock in the noon to answer to the said complaint. Hereof fail not. And make due return of this writ with your doings thereon, unto myself at or before the time aforesaid.

Dated at.....the.....day of.....A.D.....

A.J. Justice of the Peace

And such summons shall be served in like manner, as other writs of summons should by law be served, at least seven days before the time of trial. And it shall be lawful to amend such complaint or summons in any stage of the proceedings, in any court, without payment of costs.

Section 18. And be it further enacted, That if any noncommissioned officer or private, being duly summoned; shall neglect to appear, Judgment shall be thereupon rendered against him. And upon the trial of any such complaint, no evidence of any disability, by reason of any bodily infirmity, or debility, shall be admitted except the certificate of the surgeon and surgeon's mate of the regiment to which the person alledging such disability shall belong, unless he shall first prove, that by reason of such infirmity or debility he was unable to apply to such surgeon or surgeon's mate for a certificate, and that as soon as he was able, he left or caused to be left with the clerk of the company, in which he was warned to do military duty a written notice stating such infirmity or debility and the reason he had not obtained a certificate; nor shall any evidence of any excuse for nonappearance at any company training or regimental muster be admitted, unless it be shown, that within fifteen days of the training or muster the person alleging the same was warned to attend, he left with the clerk of the com-

pany, in which he was so warned, a written notice of such excuse or unless he shall first prove, that he was absent from the town in which such company is formed, when the notice to attend such training or muster was left, and did not return until said fifteen days were expired, and that immediately on his return, he left with the clerk the written notice aforesaid. And if any orders, received or issued by the commanding officer of any company, shall be recorded in the orderly book of such company, a copy of such record certified by the clerk of such company, shall be received as evidence of such orders.

Section 19. And be it further enacted, That if Judgment shall be rendered against any person complained against, he shall be adjudged to pay the fine imposed by this act on the offence charged against him with costs of prosecution.

And the person, against whom such Judgment shall be rendered, may appeal therefrom to the court of common Pleas next to be holden in such county provided the person, so appealing shall recognize with sufficient sureties to enter and prosecute his appeal at the court appealed to and to pay such fine and costs, as the said court shall adjudge against him.—But if no appeal be entered, and the person against whom Judgment shall be rendered, shall neglect for the space of two days thereafter, to pay to such Justice the amount of such fine and costs the said Justice shall issue execution against him in substance, as follows;

State of New Hampshire

.....SS.—To the Sheriff of said County or his Deputy, or to
(Seal) either of the Constables of the Town of.....in
 said County

Greeting

Whereas, upon the complaint of B.C. Clerk of the company commanded by.....in said County on the.....day of.....
A.D....., before me A.J. a Justice of the Peace for the County aforesaid Judgment was rendered against A.B. of.....in said County.....for the sum of.....fine, and.....Costs of prosecution, as to us appears of record, whereof execution remains to be done. We command you therefore, that of the money of the said A.B. or of his goods and chattels within your precinct, you cause to be levied the aforesaid sums being.....in the whole; and also, that out of the money, goods and chattels of the said A.B. you levy twenty five cents more for this writ, together with your own fees; and for want of such money goods or chattels of the said A.B. to be by him shown to you, or found within your precinct, we command you to take the body of the said A.B. and him commit unto our gaol in; and we command the Keeper thereof, accordingly to receive the said A.B. into our said gaol and him safely keep, untill he pay the aforesaid sums, with your fees, or that he be discharged by order of law.

Hereof fail not, and make return of your doings herein, and of all monies by you levied to me the said Justice within twenty days next coming. Witniss our said Justice at.....the.....day of.....A.D.

A.J. Justice of the Peace

And any person committed to gaol on such execution shall have the liberty of the gaol yard and shall be admitted to take the oath prescribed by law for poor debtors, and be discharged in the same manner as if such execution had issued on a Judgement in an action of debt.—

Section 20. And be it further enacted, That it shall be the duty of every Justice of the peace, who shall receive any fine or cost by virtue of this act, to pay such fine to the clerk of the company to which the offender belonged, and the cost to the several persons entitled thereto or their order. And the clerk of each company shall retain to his own use one fourth part of all fines received by him; and the residue he shall faithfully pay over to the commanding officer of the company on demand, who shall give to such clerk his receipt therefor. And all fines and forfeitures recovered by the commanding officer of any company by virtue of this act, and all money paid him by the Clerk as aforesaid shall be expended in defraying the necessary expences of such company, in purchasing and repairing musical instruments; and instructing the musicians, belonging to his company.

And all moneys received by the Selectmen of any town, by virtue of this act, shall be by them paid over to the Treasurer of this State.

Section 21. And be it further enacted, That at the annual inspection in May it shall be the duty of the Captain of each Company to read this act or cause it to be read to his company—except the first and second sections.

Section 22. And be it further enacted, That this act shall not take effect untill the first day of March next.

[CHAPTER 107.]

State of }
New Hampshire. }

AN ACT TO ESTABLISH THE RATES OF TOLL AT PIERMONT BRIDGE.

[Approved January 3, 1829. Acts, vol. 26, p. 447. See also acts of June 11, 1808, Laws of New Hampshire, vol. 7, p. 648; June 28, 1825, *ante*, p. 417, and June 23, 1826, *ante*, p. 495.]

Sec. 1. Be it enacted by the Senate and House of Representatives in general court convened, that from and after the passing of this act, the rates of toll demanded & received at Piermont

bridge shall be and the same are hereby established as follows, to wit, For each foot passenger, one cent; For each horse and rider, six cents; For each horse and chaise, chair, or sulkey, twelve & an half cents; For each sled, sleigh, cart or carriage of burden, drawn by one horse, six and a quarter cents; For each sled, sleigh, cart or carriage of burden, drawn by two beasts, twelve cents; For each sled, sleigh, cart or carriage of burden drawn by three beasts, fifteen cents; For each sled, sleigh, cart or carriage of burden drawn by four beasts, eighteen cents; with three cents more for each beast above four: For each four wheeled carriage of pleasure or for passengers, drawn by two or more beasts, twenty five cents: For each curricule, fifteen cents; For each horse, Jack or mule in droves, two cents; For neat cattle in droves, one cent each; For sheep and swine, one half cent each; and to each team of burthen, one man & no more shall pass free of toll.

Sec. 2. And be it further enacted, that the fourth section of an act to incorporate the Proprietors of Piermont Bridge passed June 28th 1825, so far as it relates to the amount of tolls taken at said bridge be and the same is hereby repealed

[CHAPTER 108.]

State of }
New Hampshire. }

AN ACT AUTHORIZING THE DOVER BANK TO REDUCE THEIR CAPITAL STOCK.

[Approved January 3, 1829. Acts, vol. 26, p. 449. See also acts of June 20, 1823, *ante*, p. 190; June 28, 1831, Acts, vol. 28, p. 60, and June 26, 1845, Session Laws, 1845, Private Acts, Chap. 300.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Dover Bank be, and they hereby are authorized to reduce the capital stock of said Bank, provided said capital stock shall not be reduced to a less sum than one hundred and twenty five thousand dollars.

[CHAPTER 109.]

State of }
New Hampshire. }

AN ACT REGULATING PRISONS

[Approved January 3, 1829. Acts, vol. 26, p. 455. Session Laws, 1828, Chap. 109. Laws, 1830 ed., p. 514. This act repeals acts of February 10, 1791, Laws of New Hampshire, vol. 5, p. 656; June 22, 1826, *ante*, p. 493, and partly repeals act of June 13, 1796, Laws of New Hampshire, vol. 6, p. 321. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section. 1. Be it enacted by the Senate and house of Representatives, in General Court convened, That every gailer or prison-keeper shall, at the opening of the Superior Court of judicature and Court of Common Pleas respectively, return a list, and certify to said Courts respectively, the names of all prisoners then in his custody, with the cause of their commitment, and also the names of all prisoners that shall be committed during the sitting of said Courts, that the said Courts respectively may take cognizance thereof and proceed to make deliverence of such prisoners according to law; for the crimes proper to the jurisdiction of the same Courts respectively. And every jailer who shall neglect his duty herein, shall forfeit such sum as shall be set upon him by the Court, not exceeding thirty Dollars,

Sect. 2, And be it further enacted, That if any person shall directly or indirectly, by any ways or means, convey any tool, instrument, or other thing, to any prisoner, or into any prison, whereby such prisoner might break prison, or work him or herself unlawfully out of the same; every person so offending shall forfeit and pay such a fine as by the discretion of the Court shall be imposed, not exceeding one hundred dollars. And if it shall happen that any prisoner make his or her escape by means of any tool, instrument, or other thing, conveyed by any person as aforesaid; or if any person shall in any other way, assist any prisoner to escape, who by means thereof does escape; the person so conveying tools, instruments, or other things, or the person so assisting, in case such prisoner, so escaping, were committed for debt, shall be liable to pay the full debt to the creditor or creditors at whose suit such prisoner stood committed; and in case such prisoner were committed for any crime not capital, the person so assisting shall suffer the same punishment which the prisoner was sentenced to suffer; or, in case the escape happen before conviction, the same punishment which the prisoner would have suffered in case of conviction of the crime for which he stood committed or in either case, the person so furnishing tools instruments or other things as aforesaid, or otherwise assisting as aforesaid shall be find at the discretion of the Court, a sum

not exceeding two Thousand Dollars, but in case such prisoner were or would have been liable to capital punishment, then the person so furnishing tools or otherwise assisting, shall, upon conviction be punished by confinement to hard labour for life or any less period of time at the discretion of the Court, upon considering all the circumstances attending such escape

Sec. 3. And be it further enacted, That every jailer or prison-keeper, who shall voluntarily suffer any prisoner, committed to him, to escape shall suffer the like pains and penalties as the prisoner so escaping would by law for the crime or crimes whereof he was convicted, or of which he stood charged, if he had been convicted thereof, And in case such prisoner were committed for debt, such jailer or prison-keeper shall be liable to pay the debt to the creditor, and may be, at the discretion of the Court, fined in a sum not exceeding five hundred dollars. And if any jailer or prison keeper shall, through negligence, suffer any prisoner to escape, such jailor or prison-keeper shall, in case the prisoner were committed for any crime, pay such fine as the Court shall order, according to the nature of the offence for which the escaped prisoner was confined, not exceeding three hundred dollars. And in case such prisoner were committed for debt such jailer or prison keeper shall be liable to pay the creditor the full amount of his debt;

Sec. 4. And be it further enacted, That if any person furnishing tools, instruments or other things to any prisoner or otherwise assisting any prisoner charged or convicted of any offence to escape; or if any jailer or prison keeper who shall voluntarily or negligently suffer any such prisoner to escape, shall within six months after such escape, recover such prisoner and return him back to prison again; then such person so assisting and such jailer or prison keeper so voluntarily or negligently permitting such person to escape shall be liable only to such fine as the Court may order,

Sec. 5. And be it further enacted That all fines and forfeitures arising by this act shall be recovered by indictment and be for the use of the County in which the offence may be committed. And in all cases where the Sheriff jailer or other persons have been compelled to pay any sum or sums of money on account of any prisoners escape, he or they shall be entitled to his or their remedy against such prisoner.

Sec. 6. And be it further enacted That the Court of Common Pleas shall have the care of building inspecting and repairing all prisons Court houses, and other necessary edifices for the use of the several Counties and shall at the beginning of every term in each County, enquire into the state of the prisons in such county with respect to the security of such prisons against escapes the condition and accommodation of the prisoners, and shall from time to time take care to secure them from escape, sickness and infections.

Sec. 7. And be it further enacted That in case of the escape of any prisoner committed for debt through the insufficiency of the jail or prison in any county, the Sheriff shall stand chargeable to the creditor or person to whose use any forfeiture was adjudged or any debt damages or costs awarded against such prisoner for the full amount of such debt, damages and costs; and shall have his remedy against the county on application to the Court of Common Pleas in the same County and if such Court shall not cause payment to be made to the Sheriff within six months after the application made, such Sheriff shall then and not before be at liberty to bring his action against the inhabitants of the same county to be herd and tried in that or an adjoining County at his election; an attested copy of the writ being left with the Clerk of the Court of Common Pleas in the same County thirty days before the trial by any Coroner of the County, shall be deemed a sufficient notice of the writ and the justices of the Court of Common Pleas shall have full power to appoint an agent or agents to appear and defend such action. And if the plaintiff in such action shall recover, he shall be entetled to such sums in damages in addition to the sums actually paid by him to the creditor or creditors, as a compensation for his trouble in the same suit besides costs as the Court or jury who may assess the damages may think reasonable and execution may be levied on the estate of any of the inhabitants of such County. And the person upon whose estate such execution is levied, may thereupon have an action against the County, the writ to be served and the action prosecuted in the same way and manner as the action brought by the sheriff as beforementioned to recover the amount so levied, and shall have, in case of recovery, double costs of suit.

Sec. 8. And be it further enacted that the several prison keepers, in their respective Counties, shall furnish and provide each prisoner, committed to their, custody, for any crime diet, sustenance, necessary clothing, bedding fuel and medical attendance for which the justices of the Court of common pleas are hereby authorised and empowered to allow a reasonable compensation to be paid out of the several County treasurers.

Sec. 9 And be it further enacted That if any prison keeper shall defraud the prisoners of their allowance, or shall not afford them sustenance and accommodation equal to what such prison keeper is paid therefor, he shall forfeit, for each offence, the sum of ten dollars to the use of any person who shall sue for the same.

Sec. 10. And be it further enacted That the act entitled "an act regulating prisons" passed on the 10th of February AD, 1791, the act entitled "an act for the relief of Prisoners" passed on the 22^d of June 1826, and the second section of an act entitled "an act in addition of an act entitled an act for the ease and relief of prisoners imprisoned for debt, passed February 15th 1791" passed on the 13th

day of June AD 1791,* be, and the same hereby are, repealed. Provided nevertheless that all penalties, forfeitures, and liabilities, incurred, and all rights acquired under said acts hereby repealed, shall be and remain the same as if this act had never been passed.

Sec. 11. And be it further enacted That all prison yards for the confinement of poor debtors be extended to the limits of the several towns in which such prisons are or may be situated.

[CHAPTER 110.]

State of }
New Hampshire. }

AN ACT TO REPEAL CERTAIN ACTS THEREIN NAMED.

[Approved January 3, 1829. Acts, vol. 26, p. 467. This act repeals acts of June 21, 1804, Laws of New Hampshire, vol. 7, p. 287; June 18, 1805, id., p. 400, and June 7, 1808, id., p. 635.]

Whereas the Proprietors of the Grafton Turnpike road have applied to the Legislature of this State for a repeal of their charter of incorporation—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that an act entitled “An act to incorporate the Proprietors of the Grafton Turnpike road in this State” passed June 21st A.D. 1804, and all acts passed in addition to or amendment of said act be and the same are hereby repealed, and all rights and privileges by said acts granted to said Proprietors shall henceforth cease and determine.—

[CHAPTER 111.]

State of }
New Hampshire. }

AN ACT TO ALTER & AMEND THE ACT INCORPORATING THE PROPRIETORS OF NEW HAMPTON ACADEMY

[Approved January 3, 1829. Acts, vol. 26, p. 469. See also acts of June 27, 1821, *ante*, p. 20, and June 29, 1826, *ante*, p. 508.]

Agreeably to the petition of the Corporation of the proprietors of the Academical & Theological Institution in New Hampton

Sec. 1 Be it enacted by the Senate & House of Representatives in General Court convened That from and after the passing of this

* (This is plainly written 1791 in the original copy but the correct date is 1796.)

act the Baptist Convention of the State of New-Hampshire shall have the right to elect seven instead of five of the Trustees of the Academical & Theological Institution in New Hampton

Sec 2 And be it further enacted that the Corporation of the said Institution shall not hereafter procure any alteration in their charter without the consent of the aforesaid Baptist Convention of the State of New Hampshire. Provided nevertheless that the Legislature of this State may at any time hereafter alter amend or revoke any or all the provisions of this act at pleasure

[CHAPTER 112.]

State of }
New Hampshire. }

AND ACT IN FAVOR OF DAVID DAVIS JR AND OTHERS.

[Approved January 3, 1829. Acts, vol. 26, p. 471.]

Be it enacted by the Senate and House of Representatives in General Court convened, That David Davis Jr be allowed the sum of seventy one dollars fifty cents in full of his account,

That Gawen Gilmore be allowed the sum of Three dollars, seventy two cents in full of his account, That Moses Foss Junr. be allowed the sum of two dollars in full of his account,
and that said sums be paid out of the Treasury.

[CHAPTER 113.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF JACOB B. MOORE, GEORGE HOUGH, HENRY E. MOORE, KENT AND M'FARLAND, AND R. H. SHERBURNE & CO.

[Approved January 3, 1829. Acts, vol. 26, p. 473.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the sum of three hundred ninety-eight dollars and eleven cents be allowed Jacob B. Moore in full of his account—that the sum of seventy-three dollars and thirteen cents be allowed George Hough in full of his account—that the sum of thirty-eight dollars and ninety-three cents be allowed Henry E. Moore in full of his account;—that the sum of forty-one dollars and forty cents be allowed Kent & M'Farland in full of their account—and that the sum of forty four dollars and forty cents be allowed

R. H. Sherburne & Co. in full of their account; and that said sums be paid out of the treasury out of any moneys not otherwise appropriated.

[CHAPTER 114.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF EDWARD PHILBRICK.

[Approved January 3, 1829. Acts, vol. 26, p. 475.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Edward Philbrick be allowed the sum of Three hundred fifty one dollars thirty three cents in full of his account, and that said sum be paid out of the Treasury.

[CHAPTER 115.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF WOODMAN AND WILLARD AND OTHERS.

[Approved January 3, 1829. Acts, vol. 26, p. 477.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Woodman and Willard be allowed the sum of one hundred and sixty one dollars in full of their account, That Peter Chadwick be allowed the sum of Two dollars and twelve cents in full of his account—That Jacob Whittemore be allowed the sum of seven dollars in full of his account and that the Selectmen of Canaan be allowed the sum of two dollars in full of their account. and that said sums be paid out of the Treasury.

[CHAPTER 116.]

State of }
New Hampshire. }

AN ACT FOR THE TAXING OF SHEEP.

[Approved January 3, 1829. Acts, vol. 26, p. 485. Session Laws, 1828, Chap. 116. Laws, 1830 ed., p. 552. See also act of December 16, 1812, Laws of New Hampshire, vol. 8, p. 183.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General court convened, that hereafter in assessing public

taxes, all sheep, which have been wintered one winter, which any person may own over and above fifty shall be valued at one cent each.

[CHAPTER 117.]

State of }
New Hampshire. }

AN ACT ESTABLISHING A BOARD OF ROAD COMMISSIONERS AND FOR LAYING OUT AND REPAIRING HIGHWAYS.

[Approved January 3, 1829. Acts, vol. 26, p. 487. Session Laws, 1828, Chap. 117. This act repeals acts of February 8, 1791, Laws of New Hampshire, vol. 5, p. 577; December 28, 1803, id., vol. 7, p. 227; December 11, 1804, id., p. 335; June 26 and 27, 1821, *ante*, pp. 17 and 23; July 3, 1823, *ante*, p. 250; July 3, 1826, *ante*, p. 517, and June 29, 1827, *ante*, p. 621. Repealed by act of June 25, 1830, Session Laws, 1830, Chap. 7.]

Section 1. Be it enacted by the senate and house of representatives in general court convened, that for each county in this state, there shall be appointed and commissioned by the Governor and council, to hold their offices for five years, unless sooner removed by the Governor and council upon address of both branches of the Legislature, five persons who shall be denominated Road commissioners, and shall be freeholders and inhabitants of such county and shall be sworn to the faithful discharge of the duties of their office, one of whom shall be designated as chairman by his commission, and whenever any vacancy shall happen in said board of commissioners, by death, resignation removal out of the county, or otherwise, such vacancy shall be filled by the Governor and Council, and not less than three of said commissioners shall constitute a quorum.

Sec. 2 And be it further enacted that said road commissioners shall keep a record of their proceedings, may make all necessary rules for the more orderly conducting of their business, may allow and tax such costs for and against either party as they may deem just and proper, allowing the same fees to parties, attornies and witnesses as are allowed by law in taxing costs in the court of common pleas, may issue summons and compel the attendance of witnesses and swear the same, may make orders and decrees and issue extents and executions for carrying the same into full effect, in the same way and manner as is now authorised by law, and may draw orders on the county treasurer, who is hereby authorised and directed to pay the same, And the said board of road commissioners shall appoint from their number a clerk whose duty it shall be to make and keep said records, to give certified copies thereof, whenever thereto required, and to make and sign all orders, decrees, extents and executions, which may be made and issued by said commissioners, And the said clerk shall recieve a reasonable compen-

sation for recording the proceedings of said board and for making out and signing all orders, decrees, extents and executions made and issued, to be allowed and adjusted by said board, which sum shall be paid by the several counties, And the said clerk shall be allowed the same fees as are by law allowed to the clerks of the court of common pleas for making and certifying copies, to be paid by the person applying for the same, And the said road commissioners shall each respectively receive the sum of two dollars for each day they may be actually employed on their official business in full compensation for their services, and ten cents for each mile, each of said commissioners shall travel to and from their several places of abode to the several places appointed for their meetings.

Sec. 3. And be it further enacted that whenever it shall be necessary to lay out a new highway over land in two or more towns in the same county, or to make any highway leading from town to town in the same county wider and straighter, or whenever the selectmen of any town on due application to them for that purpose, shall neglect or refuse to lay out a highway in such town, or on due application for the purpose, neglect or refuse to make any highway in the same town, wider and straighter or whenever any town shall discontinue any highway laid out by the selectmen thereof within two years from the time when the same shall have been laid out, or whenever there shall be occasion for a new highway through a tract of land not within any town, in all such cases the said road commissioners shall have full power and authority, on petition in writing duly presented to cause such new highways to be laid out, or existing highways to be made wider and straighter as the case may be, And any petition presented to the chairman of said board of commissioners shall be considered as duly presented within the meaning of this act, and it shall be the duty of said chairman to appoint the time and place for taking the same into consideration, and to cause notice thereof to all concerned to be given accordingly

Sec. 4. And be it further enacted, that whenever any petition shall be presented as aforesaid, to the commissioners, praying that a new highway may be laid out, or that any highway may be made wider and straighter as aforesaid, the said commissioners shall, if they deem the application reasonable and proper, appoint a time and place, when and where they will meet for the purpose of considering said petition and of viewing the rout described therein, and shall order notice thereof to be given to the selectmen of such town or towns and to the owners of the land through which such highway may be proposed to be laid out, or widened or straightened, and such owners, if known shall have an opportunity to be heard on the subject, And the notice to such town or towns shall be by giving to one or more of the selectmen thereof, or leaving at his usual place of abode, at least thirty days before the time appointed for the meeting, for the purpose aforesaid, a copy of said petition together with

a copy of the order of said commissioners thereon. And the notice to the owners of land shall be in writing, and contain a general description of the rout of the highway petitioned for, and the time and place appointed for said meeting, and shall be given to such owners if known or left at their last and usual places of abode, at least fourteen days before the day appointed as aforesaid, And when such owners shall not be known, then notice shall be given, as aforesaid to the person having the possession of the land, if any such there be, *Provided* that when the owner of any such land shall not be an inhabitant of this state, then notice given as aforesaid to the person having the care of the land, shall be deemed sufficient notice to the owner, *Provided also*, that when such owners shall be infants under the age of twenty one years, notice shall be given as aforesaid to their guardians, And when any such lands shall be holden by a tenant for life or for years, notice shall be given as aforesaid to such tenant, and also to the owner of the remainder or reversion, And when any petition shall be presented to said commissioners, praying that a new highway may be laid out over land not within the limits of any town, due notice shall be given, as aforesaid, to the owners of such land, if known, and in case such owner be not known, then the said commissioners shall order the substance of the petition, and their order thereon, to be published in such newspaper, or newspapers, and in such manner as they may judge proper, and a compliance with such order shall be deemed sufficient notice to all such owners.

Sec. 5. And be it further enacted, that when said commissioners shall lay out a new highway, or order an existing highway to be made wider and straighter, they shall assess the damages thereby sustained by the owners of the land in each town respectively in which the land is situated, shall describe particularly the highway so laid out, or ordered to be made wider, and the width thereof, shall fix the time for making and opening such highway, and shall adjudge such highways to be for the accommodation of the public in general, or for the particular accommodation of one or more individuals, as the case may be, And when highways shall be so laid out through land holden by a tenant for life or for years, the damage done to such tenant, and also the damage done to the owners of the reversion or remainder, shall be seperately assessed,

Sec. 6. And be it further enacted, that when a highway shall be laid out, as aforesaid, for the accommodation of the public in general, or made wider and straighter, the damages assessed by said commissioners, shall be paid by the town within whose limits the highway, for which the damages are assessed, may be, And when any highway shall be laid out, or made wider and straighter, through any tract of land, owned by one person, or by two or more persons as tenants in common, or joint tenants, in such manner that part of the highway through the same tract shall be in one town,

and part in another town, then the damages to be paid by such towns respectively, shall be seperately assessed, And when a highway shall be laid out as aforesaid, for the particular accommodation of one or more individuals, the damages shall be paid by such individuals, And no highway shall be made or used, untill the damages shall be paid to the owners of the land, or tender made thereof, And all new highways and alteration of highways shall be made by the town within whose limits the same may be, And all costs of laying out new highways and of widening and straightening existing highways from town to town, or laying out highways through land not within the limits of any town, shall be paid by the county, And all costs of laying out new highways, and of widening and straightening existing highways within the limits of any one town, shall be paid by such town,

Sec. 7. And be it further enacted, that whenever it shall be necessary to lay out a new highway, or to make an existing highway wider and straighter, from town to town in different counties a petition therefor shall be presented to the said road commissioners, in each county, who shall proceed thereon in the same way and manner, as is herein before provided in cases for laying out and widening and straightening highways in towns in the same county, and should they not agree upon the expediency of the new highway, or the alteration of the existing highway, or the junction of the same at the line of their respective counties, they shall if thereto requested by the petioners, make a report thereof, with the reasons of their disagreement, and certify the costs which have arisen thereon, and shall deliver the same to the said petitioners, together with all surveys and plans, which have been made by said commissioners, or by their direction, and certified copies of the several petitions and orders thereon, And the said petioners may present the said report and the accompanying papers to any three of the chairmen of the board of commissioners in any of the counties in this state, except the chairmen in the counties wherein such highway is proposed to be laid out or made wider and straighter, who are hereby authorised and empowered, if they deem such highway or alteration expedient and necessary, to lay out and make the same, And the said chairman shall proceed in the same way and manner, as is herein before directed in laying out new highways in towns in the same county, shall tax such costs to either party as they may deem just and reasonable, and shall make a report of their proceedings to the said commissioners in the several counties wherein such highway is proposed to be laid out, or made wider & straighter, which report shall be recorded in the records of the several counties, And the costs for laying out and making alterations in highways as aforesaid, shall be paid by the several counties, in which such highway may be laid out or altered, in proportion to the length of the highway so laid out or altered in each county,

which shall be determined by the said chairmen, and the said commissioners in the several counties aforesaid, shall draw orders on the treasurers of their respective counties therefor, and in case such highways should not be laid out or altered, the said commissioners may issue execution against said petitioners for cost,

Sec. 8. And be it further enacted that whenever it shall be deemed necessary to make the highways leading from one town to another town in the same or a different county, more direct and convenient, that in some parts of the route, existing highways should be made wider and straighter, and that in other parts of the route, a new highway or new highways should be laid out, such alterations in existing highways shall and may be made, and such new highways shall and may be laid out on one and the same petition,

Sec. 9. And be it further enacted, that whenever it may become necessary to discontinue any existing highways, or parts thereof, except as is hereinafter provided, or any highway, or parts thereof, which may hereafter be laid out by said road commissioners, the said road commissioners are hereby authorised and empowered, on petition duly presented to them for that purpose, to discontinue the same, having first notified and heard all concerned, And the costs for discontinuing highways as aforesaid shall be paid by the county.

Sec. 10. And be it further enacted, that all petitions for new highways, or for making existing highways wider or straighter, or for discontinuing any highway or part thereof, or for damages to the owners of land over which any highway laid out may pass, now pending before the court of common pleas in the several counties in this state, where the report of the committee appointed has not been accepted, if the petitioners so elect shall be heard and determined in the said court of common pleas, if not the same shall, after the costs already accrued thereon have been taxed for both parties and certified on the petition, be transferred by said court of common pleas to the road commissioners in the several counties where such highways are proposed to be laid out, and said road commissioners shall proceed thereon, in the same way and manner as is herein before directed in cases of laying out new highways by said commissioners.

Sec. 11. And be it further enacted, that whenever any town in or through which a new highway has been laid, or an existing highway has been widened and straightened, shall neglect or refuse to make and open such new highway or to make such existing highway wider and straighter within the time limited therefor, it shall be the duty of the road commissioners, on petition in writing signed by seven or more freeholders residing within this state, describing the road and setting forth the defects therein, being presented to them for that purpose, to appoint a time and place for a hearing thereon, and to give notice thereof to the selectmen of such town in the same way and manner as is herein before directed in cases of laying out

highways, and such town may plead thereto, and said commissioners may upon the trial of the issue, decree against such town, Provided that any such town upon such decree being made against them may appeal therefrom to the Superior court of Judicature, next to be holden in said county where such appeal may be entered, and a trial by jury shall be had upon such issue, and a record of the verdict thereupon shall be made, and a certified copy thereof shall be given by the clerk to the said commissioners, and if such verdict shall be against the town, the said commissioners shall proceed, as if no appeal had been taken, and the cost arising on such appeal shall be taxed against such town, And the said commissioner shall decree against such town a sum sufficient to make and open such new highway, or to make such existing highway wider and straighter, together with all costs and charges thereon, and issue their extent against such town therefor, and the money so decreed, shall be laid out and expended for the purposes aforesaid, by said road commissioners, or by their agent duly appointed, And such highway shall be made to the acceptance of said commissioners

Sec. 12. And be it further enacted, that whenever any town in this state shall neglect to repair any highway or bridge, or to rebuild any bridge which may have been carried away, within the limits of such town, for the term of thirty days after application in writing, signed by three or more freeholders, living in the vicinity of such highway or bridge, shall have been made to the selectmen thereof, it shall be the duty of said road commissioners in the county in which such town is situated, on petition in writing, describing said highway or bridge, as is required in the preceding section, signed by seven or more freeholders residing within this state, to make personal inspection of the same, having first notified the selectmen of such town, of the time and place of such inspection, by giving to one or more of said selectmen, or leaving at his or their usual place of abode, a copy of the petition, and order thereon, at least ten days before the day of such inspection. And the said road commissioners after taking into consideration the public utility of the highway or bridge to be repaired, or the bridge to be rebuilt, and the ability of such town to repair or rebuild the same, may order such repairs to be made by such town, or such bridge to be rebuilt, as they may deem proper and fix the time in which the same shall be done, And in case such town shall neglect or refuse to make such repairs, so ordered as aforesaid, within the time limited, said commissioners shall decree against such town a sum necessary to make such repairs, or to rebuild such bridge, together with all costs and charges arising thereon, and shall issue their extent against such town therefor, And the money so decreed shall be expended in the same way and manner, as is herein before directed in cases of making new highways, Provided that such town shall have the same right to plead to such petition and appeal from

such decree to the superior court of Judicature, in the same way and manner, and like proceedings shall be had thereon as are provided for in the eleventh section of this act,

Sec. 13. And be it further enacted, that whenever a petition shall be presented as aforesaid for a new highway or for making an existing highway wider and straighter, or for discontinuing any highway or part thereof, or for repairing highways or bridges, or for rebuilding bridges, and the said road Commissioners shall deem it inexpedient to grant the prayer thereof, they shall in all such cases, tax such costs against the petitioners, as to them shall seem just and reasonable, including the services and travel of the said commissioners, and shall issue execution therefor.

Section 14. And be it further enacted, That whenever there shall be occasion for any new highway, or to make an existing highway or street wider and straighter, in any town in this State, the Selectmen of such town be and hereby are, authorized and empowered, on application made to them in writing, to lay out the new highway, whether such new highway be for the accommodation of the public in general, or for the particular accommodation of the person or persons applying for the same, and to make any highway or street, in their respective towns wider and straighter, in such manner and in such places as they shall judge proper—Provided, that no highway shall be laid out or any alteration be made in an existing highway or street by the Selectmen of any town, until a time and place shall have been by them appointed for hearing the owners of the land through which such highway is proposed to be laid out, or alteration made, and notice thereof in writing be given to such owners in the same way and manner as is hereinbefore directed in the case of highways laid out and altered by the road commissioners.

Section 15. And be it further enacted, That when the Selectmen of any town shall lay out a highway or make alterations in existing highways or streets, they shall make a return thereof, in which the way, or alterations, shall be particularly described, and the width thereof stated, and shall cause the same to be recorded with the clerk. And such selectmen shall assess the damages thereby sustained by the owners of the land, and shall insert in the record the sums so assessed; and that the highway is for the accommodation of the public, or particular individuals, naming them, as the case may be. And the damages assessed shall be paid in the same way and manner, as is herein before directed for the payment of damages assessed by the road commissioners—

Section 16 And be it further enacted, That any person who may think himself aggrieved by the selectmen of any town, in assessing the damages done to him by any new highway laid out as aforesaid, or by the alteration in any highway or street, as aforesaid, may apply by petition in writing to the road commissioners for redress, and the said road commissioners shall appoint a time

and place for a hearing on such petition and for viewing the ground; and shall cause due notice thereof to be given to the selectmen, in the same way and manner, as is herein before directed, in the case of highways laid out by said road commissioners, and shall order such redress as justice may require, and may order either of the parties to pay costs as they may think just, and may issue execution for the damages and costs against the towns, or for costs in favor of the town and against the party making the application.

Section 17. And be it further enacted, That the inhabitants of any town in this State, at a legal meeting holden for the purpose, may discontinue any highway laid out within the limits of such town—Provided, that if such highway shall not have been laid out by the selectmen of such town, the same shall not be discontinued without the consent of the road commissioners first had and obtained, And provided also, that in all cases when on the neglect or refusal of the selectmen of any town to lay out any highway, for which an application has been made to them a petition shall be presented to the road Commissioners to lay out the same and during the pendency of such petition before said road commissioners the selectmen of such town shall lay out the highway the town shall not discontinue such highway without the consent of said road commissioners, nor shall it in any case be lawful for a town when on the neglect of such town to make or repair any highway within the same a petition in writing shall have been presented to said road commissioners for such neglect to discontinue such highway without the consent of said road commissioners.

Section 18. And be it further enacted, That no indictment shall hereafter be presented or sustained against any town in this State for neglect or refusal to make and open a new Highway or to repair highways or bridges or to rebuild bridges or to make existing highways or streets wider and straighter, provided that all indictments for the purposes aforesaid pending in the Superior Court of Judicature in any county in this State at the time of the passage of this act shall be prosecuted in the same way and manner as if this act had not been passed.

Section 19. And be it further enacted, That an act entitled "an act for laying out highways" passed the eighth day of February 1791. an act entitled "an act in addition to an act entitled an act for laying out highways" passed the eleventh day of December 1804, an act entitled "an act empowering the Selectmen of any town in this State to make roads and streets wider and straighter" passed the twenty eighth day of December 1803" an act "entitled an act authorizing the Superior Court of Judicature to cause highways to be established in certain cases" passed on the twenty seventh day of June 1821" an act entitled "an act to establish the compensation of committees appointed by the Court of Sessions to examine routes and lay out highways passed the twenty sixth day of June 1821 an

act entitled "an act in addition to and amendment of an act entitled an act for laying out highways" passed on the third day of July 1823, an act in addition to an act empowering the selectmen of any town in this State to make roads and streets wider and straighter" passed on the third day of July 1826, an act concerning the discontinuance of highways" passed on the twenty ninth day of June 1827, and all acts and parts of acts heretofore passed coming within the purview of this act, be and the same hereby are repealed. Provided, that the said acts hereby repealed shall remain in force for the adjudication and determining all matters and things now pending in the Court of Common Pleas & which shall be retained in said Court by the petitioners agreeably to the provisions of this act and all things done under the said acts hereby repealed shall remain in the same force as if this act had never been passed.

[CHAPTER 118.]

State of)
New Hampshire. }

AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION FOR THE ASSESSMENT OF PUBLIC TAXES, AMONG THE SEVERAL TOWNS AND PLACES WITHIN THIS STATE, AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS FOR LEVYING THE SAME.

[Approved January 3, 1829. Acts, vol. 26, p. 511. Session Laws, 1828, Chap. 118. Laws, 1830 ed., p. 545.]

Section 1—Be it enacted by the Senate and House of Representatives, in General Court convened, That of every thousand dollars of public taxes, hereafter to be raised, the proportion which each town and place shall pay, and for which the Treasurer of the State is hereby authorized to issue his warrant, shall be as follows—to wit—

COUNTY OF ROCKINGHAM.

Atkinson, two dollars seventy four cents	2.74
Brentwood, four dollars eighteen cents	4.18
Candia, four dollars ninety cents	4.90
Chester, seven dollars forty cents	7.40
Deerfield, eight dollars eighteen cents	8.18
Derry.....seven dollars fifty four cents	7.54
East Kingston, one dollar eighty nine cents	1.89
Epping.....six dollars forty two cents	6.42
Exeter.....nine dollars fifty six cents	9.56
Greenland..... three dollars sixty six cents	3.66
Hampstead.....three dollars fifty nine cents	3.59

Hampton.....	four dollars sixty seven cents	4.67
Hampton Falls	three dollars twenty seven cents	3.27
Hawke.....	one dollar eighty seven cents	1.87
Kensington	three dollars thirty three cents	3.33
Kingston	three dollars sixty seven cents	3.67
Londonderry	five dollars seventeen cents	5.17
New Castle	one dollar forty one cents	1.41
Newington	two dollars twenty four cents	2.24
New-Market	eight dollars thirty nine cents	8.39
Newtown	one dollar eighty six cents	1.86
North Hampton	three dollars thirty seven cents	3.37
Northwood	five dollars four cents	5.04
Nottingham	five dollars thirty five cents	5.35
Plaistow.....	two dollars twelve cents	2.12
Poplin.....	one dollar ninety eight cents	1.98
Portsmouth.....	forty two dollars forty one cents	42.41
Raymond.....	three dollars forty three cents	3.43
Rye.....	three dollars ninety four cents	3.94
Salem.....	four dollars fifty cents	4.50
Sandown	two dollars thirty seven cents	2.37
Seabrook	three dollars fourteen cents	3.14
South Hampton	two dollars forty three cents	2.43
Stratham	three dollars ninety two cents	3.92
Windham	three dollars twenty three cents	3.23
		\$183.17

COUNTY OF STRAFFORD—

Alton	five dollars sixty two cents	5.62
Barnstead	six dollars twenty five cents	6.25
Barrington	six dollars thirty five cents	6.35
Brookfield	two dollars seventeen cents	2.17
Burton	eighty one cents	0.81
Centre Harbour	one dollar eighty two cents	1.82
Chatham	one dollar forty cents	1.40
Conway.....	four dollars forty one cents.....	4.41
Dover.....	twenty three dollars eight cents.....	23.08
Durham.....	seven dollars thirteen cents.....	7.13
Eaton.....	three dollars fifty six cents.....	3.56
Effingham.....	five dollars seventy seven cents.....	5.77
Farmington.....	five dollars thirty nine cents.....	5.39
Gilmanton.....	twelve dollars ninety two cents.....	12.92
Gilford.....	five dollars seventy two cents.....	5.72
Lee.....	three dollars fifty five cents.....	3.55
Madbury.....	two dollars fifty cents.....	2.50
Meredith.....	nine dollars fifty nine cents.....	9.59

Middleton.....	one dollar fifty one cents.....	1.51
Milton.....	four dollars one cent.....	4.01
Moultonborough...	four dollars fifty four cents.....	4.54
New Durham.....	three dollars fifty nine cents.....	3.59
New Hampton.....	five dollars forty four cents.....	5.44
Ossipee.....	four dollars seventy seven cents.....	4.77
Rochester.....	seven dollars eighty cents.....	7.80
Sandbornton.....	ten dollars sixteen cents.....	10.16
Sandwich.....	eight dollars forty four cents.....	8.44
Somersworth.....	eleven dollars ninety four cents.....	11.94
Strafford.....	six dollars seventy six cents.....	6.76
Tamworth.....	four dollars forty five cents.....	4.45
Tuftonborough.....	four dollars twenty five cents.....	4.25
Wakefield.....	four dollars seventy eight cents.....	4.78
Wolfeborough.....	five dollars fifty six cents.....	5.56

\$196.04

COUNTY OF MERRIMACK—

Allentown.....	one dollar fifteen cents.....	1.15
Andover.....	four dollars seventy four cents.....	4.74
Boscawen	eight dollars twenty four cents	8.24
Bow	three dollars forty cents	3.40
Bradford	four dollars forty two cents	4.42
Canterbury	six dollars sixty six cents	6.66
Chichester	three dollars fifty two cents	3.52
Concord	thirteen dollars seventy three cents	13.73
Dunbarton	three dollars eighty eight cents	3.88
Epsom	five dollars six cents	5.06
Fishersfield	two dollars fifty seven cents	2.57
Franklin	four dollars sixty one cents	4.61
Henniker	seven dollars eighty nine cents	7.89
Hooksett	three dollars thirty eight cents	3.38
Hopkinton	nine dollars fifty cents	9.50
Loudon	seven dollars two cents	7.02
New London	three dollars	3.00
Northfield	four dollars sixteen cents	4.16
Pembroke	five dollars twenty five cents	5.25
Pittsfield	five dollars sixty three cents	5.63
Salisbury.....	six dollars.....	6.00
Sutton	four dollars forty seven cents.....	4.47
Warner	six dollars ninety three cents	6.93
Wilmot	two dollars fifty two cents	2.52

\$127.73—

COUNTY OF HILLSBOROUGH—

Amherst	six dollars seventeen cents	6.17
Antrim	four dollars ninety two cents	4.92
Bedford	five dollars forty five cents	5.45
Brookline	one dollar ninety four cents	1.94
Deering	five dollars twenty five cents	5.25
Dunstable	ten dollars—	10.00
Francestown	seven dollars nine cents	7.09
Goffstown	nine dollars fourteen cents	9.14
Greenfield	three dollars sixty six cents	3.66
Hancock	five dollars twenty six cents	5.26
Hillsborough	seven dollars twenty eight cents	7.28
Hollis	four dollars ninety one cents	4.91
Litchfield	one dollar eighty three cents	1.83
Lyndeborough	four dollars five cents	4.05
Manchester	two dollars sixty nine cents	2.69
Mason	three dollars seventy eight cents	3.78
Merrimack	four dollars twenty three cents	4.23
Milford	five dollars nine cents	5.09
Montvernon	two dollars seventy four cents	2.74
New Boston	six dollars twenty eight cents	6.28
New Ipswich	seven dollars nine cents	7.09 *
Nottingham West,	four dollars twenty three cents	4.23
Pelham	four dollars seventy six cents	4.76
Peterborough	seven dollars seventeen cents	7.17
Sharon	one dollar fifty eight cents	1.58
Society Land.....	sixty five cents.....	0.65
Temple.....	two dollars eighty eight cents.....	2.88
Weare.....	ten dollars sixty two cents.....	10.62
Windsor.....	one dollar four cents.....	1.04
Wilton.....	four dollars forty two cents.....	4.42

\$146.20

COUNTY OF CHESHIRE—

Alstead	five dollars ninety three cents	5.93
Chesterfield	seven dollars twenty nine cents	7.29
Dublin	five dollars nine cents	5.09
Fitzwilliam	four dollars fifty six cents	4.56
Gilsum	one dollar seventy nine cents	1.79
Hinsdale	two dollars ninety five cents	2.95
Jaffrey	five dollars sixty nine cents	5.69
Keene	ten dollars thirty one cents	10.31
Marlborough	two dollars sixty six cents	2.66
Marlow	two dollars eighty three cents	2.83

Nelson	three dollars forty six cents	3.46
Richmond	four dollars forty two cents	4.42
Rindge	four dollars eighty nine cents	4.89
Roxbury	one dollar thirty two cents	1.32
Stoddard	four dollars seventy eight cents	4.78
Sullivan	two dollars fifty three cents	2.53
Surry	two dollars	2.00
Swanzy	six dollars twenty seven cents	6.27
Troy	two dollars forty two cents	2.42
Walpole	ten dollars fifty cents	10.50
Westmoreland	six dollars eighty one cents	6.81
Winchester	six dollars forty seven cents	6.47
		\$104.97

COUNTY OF SULLIVAN—

Acworth	six dollars fourteen cents	6.14
Charlestown	eight dollars seventy eight cents	8.78
Claremont	eleven dollars twenty cents	11.20
Cornish	seven dollars sixty two cents	7.62
Croydon	three dollars eighty six cents	3.86
Goshen	two dollars sixty four cents	2.64
Grantham	four dollars fifteen cents	4.15
Langdon	two dollars eighty three cents	2.83
Lempster	three dollars sixty two cents	3.62
Newport	seven dollars ninety eight cents	7.98
Plainfield	six dollars sixty one cents	6.61
Springfield	four dollars	4.00
Unity	four dollars seventy nine cents	4.79
Washington	three dollars ninety five cents	3.95
Wendell	two dollars thirty two cents	2.32
		\$80.49

COUNTY OF GRAFTON.

Alexandria	two dollars eighty four cents	2.84
Bath	six dollars seventeen cents	6.17
Bethlehem	two dollars twenty one cents	2.21
Bridgewater	two dollars sixty seven cents	2.67
Bristol	two dollars fifty one cents	2.51
Campton	four dollars thirty six cents	4.36
Canaan	four dollars ninety six cents	4.96
Coventry	one dollar nine cents	1.09
Danbury	two dollars fourteen cents	2.14
Dorchester	two dollars twenty seven cents	2.27

Dame's Gore	Eighteen cents	0.18
Ellsworth	Fifty three cents	0.53
Enfield	five dollars eighty four cents	5.84
Foss & Gillis'		
Grant	seventeen cents	0.17
Franconia	one dollar forty eight cents	1.48
Grafton	four dollars three cents	4.03
Groton	two dollars thirty eight cents	2.38
Hanover	eight dollars thirteen cents	8.13
Haverhill	seven dollars twenty eight cents	7.28
Hebron	two dollars one cent	2.01
Holderness	four dollars sixty two cents	4.62
Landaff	three dollars forty eight cents	3.48
Lebanon	eight dollars three cents	8.03
Lincoln	Eleven cents	0.11
Littleton	four dollars ninety four cents	4.94
Lyme	seven dollars thirty seven cents	7.37
Lisbon	four dollars fifty four cents	4.54
Lyman	five dollars five cents	5.05
New-Chester	three dollars forty two cents	3.42
Orange	One dollar eleven cents	1.11
Orford	six dollars sixty one cents	6.61
Piermont	four dollars fourteen cents	4.14
Peeling	ninety four cents	0.94
Plymouth	four dollars seventy cents	4.70
Rumney	three dollars fifty two cents	3.52
Thornton	three dollars forty two cents	3.42
Warren	two dollars sixty six cents	2.66
Wentworth.....	three dollars forty six cents.....	3.46

\$135.37—

COUNTY OF COOS—

Adams,	One dollar forty one cents	1.41
Bartlett,	one dollar forty nine cents	1.49
Bretton woods	twenty six cents	0.26
Cambridge	nineteen cents	0.19
Colebrook	two dollars nineteen cents	2.19
Columbia	one dollar fifty four cents	1.54
College Grant	twenty nine cents	0.29
Dalton	one dollar seventy cents	1.70
Dixville	nine cents	0.09
Dummer	eighteen cents	0.18
Errol	forty two cents	0.42
Erving's Location	Two cents	0.02
Greens Grant	Two cents	0.02
Hales Location	four cents	0.04

Harts Location	Eight cents	0.08
Jefferson	one dollar thirty four cents	1.34
Kilkenny	fifteen cents	0.15
Lancaster	three dollars eighty cents	3.80
Maynesborough	thirty one cents	0.31
Millsfield	fourteen cents	0.14
Milan	Sixty three cents	0.63
Northumberland	one dollar fifty four cents	1.54
Nash and Saw- yer's Location	Seven cents	0.07
Piercy	Seventy three cents	0.73
Randolph	forty four cents	0.44
Stratford	one dollar forty nine cents	1.49
Shelburne	one dollar twenty one cents	1.21
Shelburne addi- tion	thirty cents—	0.30
Stewartstown	one dollar eighty two cents	1.82
Success.....	Seventeen cents	0.17
Wentworth's Lo- cation.....	Seven cents.....	0.07
Winslow's Loca- tion.....	Six cents.....	0.06
Whitefield.....	One dollar eighty four cents.....	1.84
		\$26.03

Section 2. And be it further enacted, that the same shall be the proportion for the assessment of all public taxes, until a new proportion shall be made and established, and that the Treasurer for the time being issue his warrants accordingly—

[CHAPTER 119.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF SAMUEL A. KIMBALL, PHILIP CARRIGAIN AND JAMES WILCOMB—

[Approved January 3, 1829. Acts, vol. 26, p. 523.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel A. Kimball be allowed the sum of one hundred and five dollars and fifty cents; that Philip Carrigain be allowed the sum of one hundred and twenty dollars, and that James Wilcomb be allowed the sum of sixty three dollars in full of their respective accounts, and that said sums be paid out of the Treasury—

[CHAPTER 120.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE SANDBORNTON LIBRARY SOCIETY

[Approved January 3, 1829. Acts, vol. 26, p. 525.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Asa Currier, Ebenezer Lane, Nathan Taylor, their associates and successors are hereby made a corporation by the name of the Sandbornton Library Society, with power to hold personal estate not exceeding one thousand dollars in value for the support of said library, with all the powers incident to corporations of a similar nature

Section 2. And be it further enacted that Asa Currier, Ebenezer Lane and Nathan Taylor or either two of them may call the first meeting of said corporation, by posting up a notice thereof, at two public places in the town of Sandbornton at least ten days prior to the time of holding the same

[CHAPTER 121.]

State of }
New Hampshire. }

AN ACT PRESCRIBING THE TIMES AND PLACES FOR HOLDING THE SUPERIOR COURT, THE COURT OF COMMON PLEAS, AND THE COURTS OF PROBATE IN THE SEVERAL COUNTIES.

[Approved January 3, 1829. Acts, vol. 26, p. 527. Session Laws, 1828, Chap. 121. Laws, 1830 ed., p. 523. See also acts of February 9, 1791, Laws of New Hampshire, vol. 5, p. 635; December 15, 1796, id., vol. 6, p. 373; June 20, 1810, id., vol. 7, p. 886, and January 13, 1837, Session Laws, 1836, November session, Chap. 271. Partly repealed by acts of July 2, 1831, id., 1831, Chap. 39, November 30, 1832, id., 1832, Chap. 93, and December 29, 1832, id., Chap. 89. Wholly repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the Superior Court of Judicature shall be holden annually at Portsmouth on the first Tuesday of January and at Exeter on the first Tuesday of August in and for the County of Rockingham; at Dover on the third Tuesday of January and at Gilford on the third Tuesday of August in and for the County of Strafford; at Concord on the first Tuesday of February and on the first Tuesday of September in and for the County of Merrimack; at Amherst on the third Tuesday of February and on the third Tuesday of September in and for the County

of Hillsborough: at Keene on the first Tuesday of April and on the first Tuesday of October in and for the County of Cheshire; at Newport on the third Tuesday of April and on the third Tuesday of October in and for the County of Sullivan; at Haverhill on the first Tuesday of May and at Plymouth on the first Tuesday of November, in and for the County of Grafton: and at Lancaster on the third Tuesday of May in and for the County of Coos. Provided, that the term of the Superior Court of Judicature, which, by law is now to be holden at Lancaster in and for the County of Coos on the first Tuesday of November, next, shall be holden at said Lancaster on the second Tuesday of July next.

Section 2. And be it further enacted, that the Court of Common Pleas shall be holden annually at Exeter on the third tuesday of March and at Portsmouth on the first tuesday of October annually in and for the county of Rockingham at Rochester on the first tuesday of April and at Gilmanton the third tuesday of October in and for the County of Strafford At Concord on the third tuesday of April and the first tuesday of November in and for the County of Merrimack. At Amherst on the first Tuesday of May and on the third Tuesday of November in and for the County of Hillsborough. A Keene on the first Tuesday of January and on the first Tuesday of August in and for the County of Cheshire. At Newport on the Third Tuesday of January and on the third Tuesday of August in and for the County of Sullivan. At Haverhill on the first Tuesday of February, and at Plymouth on the first Tuesday of September in and for the County of Grafton. At Lancaster on the third Tuesday of February, and on the third Tuesday of September in and for the County of Coos.

Section 3. And be it further enacted, That a Court of Probate shall be holden in and for the County of Rockingham, at the following times and places annually, at Exeter on the Wednesday following the Third Tuesday of March, and on the Wednesday following the second Tuesday of each and every other month; at Portsmouth on the second Tuesday of January, May, July, September and November and the third Tuesday of March; at Derry on the first Tuesday in January and on the Thursday next following the first Tuesday in May, and on the first Tuesday of September, and at Deerfield on the Wednesdays following the first Tuesdays of January, May and September.

Section 4. And be it further enacted, That a Court of Probate shall be holden in and for the County of Merrimack at the following times and places annually, at Concord on the fourth Tuesday of each and every month.

Section 5. And be it further enacted, That, a court of Probate shall be holden in and for the County of Hillsborough at the following times and places annually, at Amherst on the last Tuesdays of February, March, May, June, August, October, November and

December; at Francestown on the first Tuesday of February and on the last Tuesdays but one of May, August and November; at Goffstown on the last Tuesdays of January and September, at Dunstable on the first Tuesdays of January and July, and at Temple on the first Tuesdays of March and August.

Section 6. And be it further enacted, That a Court of Probate shall be holden in and for the County of Cheshire at the following times and places annually, at Keene on the first Tuesdays of every month, and on the third Tuesdays of March, April, May, September, October and November.

Section 7. And be it further enacted, That a Court of Probate shall be holden in and for the County of Sullivan, at the following times and places annually, at Charlestown on the last Wednesday of every month, at Claremont on the third Wednesday of January and on the second Wednesday of July, and at Newport on the second Wednesdays of April and October.

Section 8. And be it further enacted, That a Court of Probate shall be holden in and for the County of Grafton at the following times and places annually, at Haverhill on the third Tuesdays of January, May and September, at Plymouth on the third Tuesdays of February, June and October, at Hanover on the third Tuesday of April, at Canaan on the third Tuesday of March, at Lebanon on the third Tuesday of July, at Bristol on the third Tuesday of August, at Bath on the third Tuesday of November, and at Wentworth on the third Tuesday of December.

Section 9. And be it further enacted, that a Court of Probate shall be holden in and for the County of Strafford at the following times and places annually; at Gilford on the Tuesday following the second Monday of May, at Moultonborough on Wednesday, at Ossipee on the Thursday, at Wolfborough on the Friday, at Rochester on the Saturday next following the second Monday of May, and on the Saturday next following the second Monday of September, at Dover on the third Monday of May and on the third Monday of September, at Gilmanton on the second Monday of September at Sandwich on Wednesday at Eaton on Thursday and at Wakefield on Friday next following the second Monday of September, and at Sandbornton on the first Thursday of July the first Thursday of March, and the first Thursday of December.

Section 10. And be it further enacted, That a Court of Probate shall be holden in and for the County of Coos at the following times and places annually, at Lancaster on the first Tuesday of July, at Bartlett on the first Tuesday of February, at Northumberland on the first Tuesday of September and at Colebrook on the first Tuesday of January.

Section 11. And be it further enacted, That all writs, recognizances, warrants, complaints, and every other matter and thing that should after this act shall take effect, be returned to, or entered

at the Superior Court of Judicature, Court of Common Pleas, and Courts of Probate at the times and places theretofore appointed and all parties and persons, that may be required or directed to appear and attend, after that time, at the times and places theretofore appointed for holding the several Courts aforesaid, and all actions, matters, and suits, that may be pending in the several Courts aforesaid on the day when the several provisions of this act shall take effect, shall be returned to, entered, appear, and attend, have day, be tried and determined in the same Superior Court of Judicature, Court of Common Pleas, and Probate Courts, at the respective times and places established by this act.

Section 13. And be it further enacted, That the two first sections of this act shall be in force from and after the first day of June next, and the remaining sections of this act from and after the first day of February next; and that from and after the time when the several sections of this act shall take effect, all acts and parts of acts, so far as they come within the provisions of this act, be and they hereby are repealed.

[CHAPTER 122.]

State of }
New Hampshire. }

AN ACT TO REPEAL AN ACT THEREIN NAMED.

[Approved January 3, 1829. Acts, vol. 26, p. 539. Session Laws, 1828, Chap. 122. Laws, 1830 ed., p. 190. The act referred to is printed in Laws of New Hampshire, vol. 7, p. 642. See also acts of December 28, 1805, id., p. 469; June 22, 1831, Session Laws, 1831, Chap. 25, and January 3, 1833, id., 1832, November session, Chap. 94.]

Section 1. Be it enacted by the Senate and house of Representatives in General Court Convened, That an act passed June tenth A.D. eighteen hundred and eight, entitled an act regulating the mode of putting pine timber into Connecticut River be, and the same is hereby repealed so far as relates to said river from its source to Ingall's eddy.

Section 2. And be it further enacted, That the act entitled an act to prevent damage which may be done by lumber to owners of land lying on and adjoining any river in this State" passed Dec. 28th 1805 be revived and in force as to that part of the act of June 10. 1808 which is hereby repealed

[CHAPTER 123.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF EDWARD PHILBRICK AND OTHERS.

[Approved January 3, 1829. Acts, vol. 26, p. 541.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Edward Philbrick be allowed the sum of one hundred thirty three dollars twelve cents, that David George be allowed the sum of one hundred and one dollars, that Erastus Underwood be allowed the sum of eight dollars twenty five cents that Jewett Bishop be allowed the sum of ninety eight dollars, that Aaron Carter be allowed the sum of one hundred and two dollars and that Enoch Dickerman be allowed the sum of twenty six dollars and twenty five cents in full of their respective accounts, and that said sums be paid out of the Treasury.

[CHAPTER 124.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF BENJAMIN B. FRENCH.

[Approved January 3, 1829. Acts, vol. 26, p. 543.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Benjamin B. French be allowed the sum of eighty dollars in full of his account for services as engrossing clerk, and that said sum be paid out of the Treasury.

[CHAPTER 125.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE CONCORD MECHANIC'S ASSOCIATION.

[Approved January 3, 1829. Acts, vol. 26, p. 545.]

Section 1. Be it enacted by the senate and House of Representatives in General Court convened, That George Hough, Timothy Chandler, Simeon Virgin, Isaac Eastman, Benjamin Damon, Nathan Farley, Lewis Downing, Stephen Brown, David Allison, Thomas W. Thorndike, Peter Elkins, Jacob B. Moore, Elijah Mansur, their associates and successors, be and they hereby are incorporated and made a body politic, by the name and style of the Concord Me-

chanic's Association; and by that name may sue and be sued, prosecute and defend to final Judgment and execution; and shall be, and hereby are vested with all the privileges and powers which by law are incident to Corporations of a similar nature.

Section 2. And be it further enacted, That the Corporation hereby established be, and the same hereby is, authorized and empowered to have, receive and hold in fee simple, or any less estate, by gift, grant or otherwise any real estate not exceeding in value the sum of two thousand dollars, and personal estate not exceeding in value the sum of three thousand dollars; and the same may use and employ for the promotion of Industry good order and regularity in business, and for the advancement of the mechanic arts and the encouragement of the artizan, and for the benefit of the association may sell alienate and dispose of the same at pleasure.

Section 3. And be it further enacted, That the said George Hough, Isaac Eastman, and Nathan Farley or any two of them may call the first meeting of said Corporation at any suitable time, and place in Concord in the county of Merrimack, by advertisement in one or more of the newspapers printed in said Concord, giving notice of the time, place and design of said meeting at least ten days prior thereto; at which first meeting or at any adjournment thereof the members of the Corporation by a majority of votes may fix the time of the annual meeting, and agree on the manner of calling their annual and occasional meeting; and at the same or any subsequent meeting duly holden, may choose all such officers as they may deem necessary; may make and establish such rules and regulations as may be proper for the government of the Corporation and the prudent management of its affairs and may annex penalties to the breach thereof not exceeding five dollars for any one offence; may devise means for raising such sum or sums of money as the exigencies of the Corporation may require, and do and transact any business in relation to the beneficial designs contemplated by this association.

[CHAPTER 126.]

State of }
New Hampshire. }

AN ACT IN FAVOR OF THOMAS WOOLSON.

[Approved January 3, 1829. Acts, vol. 26, p. 549.] •

Be it enacted by the Senate and House of Representatives in General Court convened.

That Thomas Woolson be allowed the sum of three dollars and fifty cents in full of his account, and that said sum be paid out of the Treasury.

[CHAPTER 127.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE WHITEFIELD SOCIAL LIBRARY SOCIETY

[Approved January 3, 1829. Acts, vol. 26, p. 555.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened that Thomas Montgomery, W. B. Merrill Jeremiah B Walker, and their associates and successors are hereby made a corporation by the name of the Whitefield Social Library Society with power to hold personal property not exceeding five hundred dollars in value for the support of said Library, with all the powers incident to corporations of a similar nature

Sec. 2 And be it further enacted that Thomas Montgomery W. B. Merrill and Jeremiah B Walker or either two of them may call the first meeting of said corporation by posting up a notice thereof in two public places in the town of Whitefield at least ten days prior to the time of holding the same

[CHAPTER 128.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE WEST BOSCAWEN SOCIAL LIBRARY SOCIETY.

[Approved January 3, 1829. Acts, vol. 26, p. 557.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Hezekiah Fellows, Ebenezer Price, Joseph Couch, and their associates, be and hereby are made a corporation, by the name of the West Boscawen Social Library Society, to be established and kept in the westerly part of Boscawen, with all the powers and privileges incident to corporations of a similar nature—

Sec. 2—And be it further enacted, that Hezekiah Fellows Ebenezer Price, Joseph Couch, or any two of them, may call the first meeting of said corporation, by advertisement to be posted up, at two or more public places in said Boscawen, fourteen days before the day of such meeting. And the said Corporation may elect such officers, and make and establish such by-laws, and regulations, not repugnant to the laws of this State, as by them shall be deemed expedient and necessary for the government of said Corporation—

[CHAPTER 129.]

State of }
New Hampshire. }

AN ACT FOR THE EASE AND RELIEF OF POOR DEBTORS.

[Approved January 3, 1829. Acts, vol. 26, p. 563. Session Laws, 1828, Chap. 129. Laws, 1830 ed., p. 476. The second section of this act is repealed by act of January 3, 1833, Session Laws, 1832, November session, Chap. 107. See also acts of July 2, 1825, *ante*, p. 465; July 2, 1831, Session Laws, 1831, Chap. 30; July 5, 1834, *id.*, 1834, Chap. 161; June 30, 1837, *id.*, 1837, Chap. 329, and July 4, 1838, *id.*, 1838, Chap. 370. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that the wearing apparel necessary for immediate use two comfortable beds, bedstead, and bedding necessary for the same household furniture to the value of twenty dollars, the Bibles and school books in actual family use, one cow one ton of hay, and one hog, and one pig not over six months old, and in case the debtor be a mechanic or farmer, tools of his occupation to the value of twenty dollars six sheep and the fleeces of the same sheep while in possession of the owner of the sheep shall be altogether exempted from attachment and execution and no officer shall attach or take the same or any part thereof either upon mesne process or execution

Section 2. And be it further enacted that any person imprisoned on mesne process in any civil action, or upon execution, whether the execution be against a plaintiff or defendant shall be permitted and allowed to have a chamber and lodging in any of the houses or apartments belonging to such prison and liberty of the yard thereto belonging but not to pass without the limits of the prison yard upon reasonable payment to be made for chamber room to the prison keeper not exceeding seventeen cents per week, such prisoner giving bond to the creditor with two sufficient sureties being freeholders in this state to be bound jointly and severally in double the sum for which such prisoner is imprisoned with condition in the same bond underwritten in the form following namely "the condition "of the above obligation is such that if the above bounden..... "now a prisoner in the gaol in.....at the suit of..... "do and shall from henceforth continue a true prisoner in the custody guard, and safe keeping of.....keeper of the said "prison or in the custody guard and safekeeping of his deputy, "officer, steward or some one of them within the limits of said "prison as by law established until he shall be lawfully discharged "without committing any escape until such discharge, then this obligation to be void or else to abide in full force and virtue" and the blanks in said condition shall be filled up as the respective cases may require. And if the sureties be not approved by the creditor

his agent or attorney who prosecutes or who prosecuted the said action, then any two justices of the superiour court or court of common pleas, or a justice of the superior court with a Justice of the court of common pleas or either of said Justices with a justice of the peace, or any two Justices of the Peace of the quorum within the county where such prisoner shall be committed being disinterested and approving of the sureties and certifying such their approbation on the back of the said bond the sureties shall be deemed sufficient. And the said bond shall remain with the sheriff or prison keeper till the creditor demand the same, when it shall be given up to him upon his lodging with the sheriff or prison keeper a receipt or memorandum in writing purporting that he has received the same and the sheriff or gaol keeper shall not be liable to any action for any escape of any such prisoner after the executing of such bond.

And on condition broken the said creditor may put the said bond in suit and shall be entitled to recover his just debt, damages and costs for which such prisoner was committed together with prison charges and shall be allowed ten per cent interest from the time of commitment. Provided always that when any person shall be committed on execution founded on any such prison bond, he shall remain in close confinement, in the same manner as if this act had not been made. And on all executions issuing on any prison bond a minute that such execution issues on a prison bond shall be made on the back thereof by the clerk issuing the same for the direction of the gaol keeper.

Section 3. And be it further enacted that when any person committed on execution whether such execution be against plaintiff or defendant, shall not have at the time of his commitment or at any time afterwards estate to the value of twenty dollars, excepting the goods and chattels by law exempted from attachment and execution, such persons may immediately apply to any two Justices of the superior court of Judicature, or of the court of common pleas or to any two commissioners of the gaol delivery in the county in which they reside and pray to be admitted to take the oath herein after prescribed and either of the Justices, or commissioners to whom application shall be so made may make an order on such application, appointing a time and place when and where said application will be taken into consideration; and the debtor shall cause the creditor or his attorney to be served with a copy of such application and order of notice thereon at least fifteen days before the day appointed for such hearing. And if it shall happen that one of the justices or commissioners, to whom application may be made as aforesaid is necessarily prevented from attending at the time and place appointed the Justices or commissioners, attending at the time and place and for the purpose mentioned in the order of notice, on receiving satisfactory evidence that due notice has been given to the creditor, may postpone the hearing on such application for any

term not exceeding ten days. And if at the hearing the creditor can make it appear to the satisfaction of said Justices or commissioners that the prisoner has practised fraud deceit or falsehood in the management of his estate real or personal in order to take advantage of this act he shall not be admitted to swear; but if no sufficient objection is made by the creditor or his attorney the said justices or commissioners shall administer the following oath or affirmation to the debtor namely.

I, A.B. do solemnly *swear before Almighty God* (or *affirm*) that I have not any estate real or personal in possession, reversion or remainder, to the amount of twenty dollars excepting goods and chattels by law exempted from attachment and execution and that I have not at any time directly or indirectly sold, leased nor otherwise conveyed nor disposed of to, nor entrusted any person or persons with all nor any part of the estate real or personal whereof I have been the lawful possessor or owner with any intent or design to secure the same or to receive or to expect any profit or advantage therefor nor have caused nor suffered any thing else whatsoever to be done whereby any of my creditors may be defrauded, so help me God (or this I do under the pains and penalties of perjury.)

And the said Justices or Commissioners shall make a certificate of such oath in the form following.

State of New Hampshire.

.....ss To the Sheriff of said County of.....or his Deputy keeper of the gaol at.....on the.....day of.....A.D.....at.....in said County A.B. of.....a prisoner in your custody on execution at the suit of C.D. &c took the oath as prescribed by law for the relief of poor debtors, the said C.D. (or the attorney of the said C.D.) having been duly notified, did (or did not) attend and in our opinion the said A.B. ought to be discharged

G.H.)
E.H.) Addition

And thereupon the said debtor satisfying the prison keeper for past charges shall be discharged, Provided that no person who shall be committed on execution and shall apply for the benefit of this act shall be admitted to the benefit thereof, unless the property he may have at the time of his commitment over and above the property exempted by law as far as the same may be necessary shall be applied at the appraisement of the justices or Commissioners to whom application is made, in case the parties do not agree in payment of the execution and charges on which he so stands committed and in case the creditor upon such appraisement shall not receive the same the debtor shall be at liberty to dispose thereof in the same manner as if this proviso had not been enacted

Section 4. And be it further enacted that all and every judg-

ment obtained against any such prisoner shall notwithstanding such discharge as aforesaid be and remain good and effectual in law, to all intents and purposes against any estate whatever which may then or at any time afterwards belong unto any such prisoner; and a new execution may issue at any time against the goods, chattels, lands and tenements of such prisoner, in the same way and manner as might have been done if the prisoner had never been in execution; And the said debtor's estate shall also be liable to pay prison charges during all the time of his confinement.

Section 5. And be it further enacted that when any person has been or may be hereafter convicted of any crime which disqualifies him or her to give testimony in a court of law and shall afterwards be imprisoned on execution and desirous to take the oath prescribed by this act, said conviction shall not operate, to prevent said oath being administered in the same way and manner as to other persons.

Section 6. And be it further enacted that in all cases when any debtor or debtors, shall make application as aforesaid to be admitted to the benefit of the oath, in this act prescribed and the application shall not prevail it shall be the duty of the justices or commissioners to tax costs for the creditor for the travel and attendance of himself and his witnesses and for his deposition in the same way and manner as costs are taxed for parties to suits in the superior court of Judicature and render judgment in favor of said creditor for the same and issue execution in due form of law accordingly, and no justice or commissioner shall be authorized to sustain any after application or petition of such debtor as aforesaid until the cost which may have arisen and been taxed and allowed on all former applications shall have been fully paid.

Section 7 And be it further enacted, That when any person arrested upon mesne process shall be committed to any prison within this State and remain in said prison for the term of thirty days, after the rendition of judgement if the creditor shall neglect or refuse to levy his execution on the body of the debtor thus imprisoned within the term aforesaid then and in every such case, the body of the debtor shall not be liable to be arrested in any action of debt on said judgement at any time within one year from the rendition thereof,

Section 8, And be it further enacted that all acts and parts of acts heretofore passed coming within the purview of this act be and the same hereby are repealed Provided nevertheless that all things done and transacted and all rights acquired under said acts and parts of acts shall be and remain the same as if this act had never been passed.

[CHAPTER 130.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE THE PROPRIETORS OF UNION BRIDGE IN
HOLDERNESSE.

[Approved January 3, 1829. Acts, vol. 26, p. 575.]

Section 1. Be it enacted by the Senate and House of Representatives in general court convened, That William Webster, Moses Merrill, Walter Blair, Samuel Thompson, and their associates and successors be and they hereby are created a corporation by the name of the proprietors of Union Bridge in Holderness, and they are hereby invested with all the Powers and privileges incident to corporations of a similar nature.

Section 2. And be it further enacted, That said corporation may erect and maintain a Bridge across Pemigewasset River at any place between Squam falls, so called, and the north line of Bridgewater; and if said corporation and Edward Webber, the owner of a ferry within the limits of this grant, shall not agree on the compensation to be made to said Webber for the loss that may be sustained by him in depriving him of the income of said ferry by erecting and forever maintaining said Bridge. Moses Baker and Ebenezer Little *Jun.* of Campton and Rufus G. Lewis of New-Hampton, are hereby appointed a committee, whose duty it shall be, after a hearing of said parties, or if either shall neglect to attend after a reasonable notice of the time and place of hearing then after a hearing *ex parte*, to make a report in writing, stating the notice given, the attendance or nonattendance of the parties and to return the same to the Superior Court of Judicature then next to be holden within and for the county of Grafton, and the said corporation shall pay or tender to said Webber the amount of damages and costs awarded by said committee, and in case of refusal by said Webber to receive the same, such sum shall be paid into court and placed in the hands of such person as the court shall direct for the use of said Webber; and in case the said committee or any one of them shall decline or otherwise fail to perform the duties aforesaid, then the Justices of said Court on application and after due notice to said Webber of such application, may appoint a committee of three persons, who shall proceed to adjust the claims of said Webber in the manner aforesaid; and said corporation shall have no right to erect said bridge till such payment shall have been made.

Sec. 3. And be it further enacted, That said corporation may make and execute such by laws as may be necessary for its regulation, and may conformably to the same, make such assessments as may be found necessary for accomplishing the object of this act

and the same may collect by sale of the shares of delinquent proprietors. And at the meetings of said corporation all questions shall be determined by a majority of the votes of the proprietors present or represented, allowing one vote for each share: and all representations shall be authorised by writing signed by the persons represented, and kept on file by the clerk.

Section 4. And be it further enacted, That the said corporation may demand receive and recover the following toll of every person passing said Bridge, and may prevent the passage of any person untill the same shall have been paid or tendered. That is to say, for every foot passenger, one cent; for every horse and rider three cents; for every chaise, sulkey chair or other two wheeled carriage of pleasure drawn by one horse, ten cents; and for each additional horse two cents; for every charriot, Phaeton, coach or other four wheeled carriage of pleasure or for passengers, drawn by two horses, twenty cents, and for each additional horse two cents; for every cart, waggon or other carriage of burden drawn by one beast four cents and for every additional beast two cents for each pleasure sleigh drawn by one horse four cents and for each additional horse two cents for each sleigh or sled of burden drawn by one beast four cents and for each additional beast two cents for horses Jacks mules or neat cattle exclusive of those rode on or led and in carriages, one cent each, for sheep and swine one fourth of a cent each and to each team of burden one person only shall be allowed to pass free of toll and at all times when the toll gatherer shall not attend to his duty the gate shall be left open.

Section 5—And be it further enacted that said corporation shall be answerable for all damages which may be sustained through insufficiency or want of repairs in said bridge and may also be indicted and fined as towns are by law indicted and fined for suffering highways and bridges to be out of repair

Section 6. And be it further enacted that William Webster, Moses Merrill Walter Blair and Samuel Thompson or any three of them may call the first meeting of said Corporation by posting up notifications of the time place and object at some public place in each of the towns of Plymouth and Holderness at least ten days prior to the time of said meeting

Section 7. And be it further enacted that if said Bridge shall not be completed within five years from the passing this act or if destroyed at any time and shall not within two years after such destruction be rebuilt this act shall be null and void.

Section 8. And be it further enacted that said Corporation may purchase and hold in fee simple or otherwise so much land as will be necessary for the free and full enjoyment of this grant that is to say, for the purpose of building abutments to said Bridge a house for the toll gatherer provided the same shall not exceed five acres

Section 9. And be it further enacted that the Legislature of this state may at any time after five years alter and amend this act as to them may seem just and equitable.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1828, December 16.

Resolved by the Senate and House of Representatives in General Court convened, That the report of the Commissioners, who were appointed on the part of the State of New Hampshire, pursuant to a Resolve of the Legislature, passed June 30—1827, and who have, in conjunction with Commissioners appointed on the part of the State of Maine, ascertained, surveyed, marked and renewed the dividing line between this State and the State of Maine, as set forth in said Report, together with the surveys and accompanying documents, be deposited on file in the Secretary's office of this State. And that the dividing line as surveyed, marked out and designated by said Commissioners, be, and the same is hereby approved of, and shall, from and after the passage of this Resolution, be recognized as the true boundary line between the two States. Providing the State of Maine do approve of, and recognize the same.

[Acts, vol. 26, p. 589.]

1828, December 24.

Resolved by the Senate and House of Representatives in General Court convened, That Harts Location, in the County of Coos, be annexed and classed with the Towns of Bartlett and Adams, in said County, for the purpose of electing a Representative to the General Court, until the Legislature shall otherwise order.

[Acts, vol. 26, p. 595.]

1829, January 3.

Resolved by the Senate and House of Representatives in General Court convened, That the Attorney General be and he is hereby authorized and required to institute proper process and prosecute the same to final Judgment and execution, to ascertain by what warrant the Cornish Turnpike Corporation claim to have, hold exercise or enjoy corporate rights or authority.

[Acts, vol. 26, p. 605.]

1829, January 3.

Resolved by the Senate and House of Representatives in General Court convened, That the Hon. William M. Richardson John Porter and Samuel D. Bell Esquires be and they hereby are authorized and requested to

continue the examination, revision, amendment and arrangement of the laws of the State and to prepare for publication all the existing acts and resolves of this State and report the same to the Legislature by the first Tuesday of the next session thereof in the form best adapted in their judgment to a new edition of said acts and resolves.

[Acts, vol. 26, p. 615.]

1829, January 3.

Resolved by the Senate and House of Representatives in General Court convened

That the inhabitants of the town of Orange are hereby authorized to elect and send a representative to the General Court until the Legislature shall otherwise order.

[Acts, vol. 26, p. 623.]

1829, January 3.

Resolved by the Senate and House of Representatives in General Court convened, That the Inhabitants of the town of Coventry are hereby authorized to elect and send a representative to the General Court until the Legislature shall otherwise order.

[Acts, vol. 26, p. 633.]

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 Penny, Betsy
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